if any, and paying capitalized interest, if any, and certain other costs and certain ssuance C Bonds. The Hospital will own and operate the Project.

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ur the Proceeds of the portion of of the Series 2005 Bonds that the are outstanding were used, in r for the (i) construction the De-the ping of 4 one-story and 1 two-story ad and the related renovation 100 and equipping of approxi Emergency Center, the Radiology Department, the Spe cial Care Unit, the Depart-OF ment of Medicine and related its struction of an approximately the ted 1,300 square foot grounds and maintenance building, (iii) expansion of existing and driveways and parking areas to add approximately 130 parking spaces; (iv) replace-ment of equipment in the of of other catheterization laboratory, the purchase of computerized tomography equipment, a CT scanner and other equipment, (v) refunding of a portion of New York State Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bonds, 1975 Series A and York State Medical Finance Agency Hospital and Nursing Home Project Bonds, 1979 ject of this action is to fore-close a mortgage upon the premises described below, executed by TINA M. FIRST-LEET AKIA TINA M. LEET Series A, each of which were issued to finance the original construction and equipping of the Facility; and (vi) refinancing of a taxable loan which was used to finance dated the 15th day of April, 2003, to secure the sum of

and equipment at the Facility. It is intended that interest on the Bonds will not be included as cross income for feder-al tax purposes puriad Section 103(a) The Bonds will be special obligations of the Issuer payable solely from certain amounts payable under a Loan Agreement with the Hospital and certain other assets of the Issuer and the Hospital pledged to the re-payment of the Bonds. THE BONDS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR ANY POLIT-ICAL SUBDIVISION THERE OF, INCLUDING MONROE COUNTY, AND NEITHER THE STATE OF NEW YORK NOR ANY POLITICAL SUB DIVISION THEREOF, IN CLUDING MONROE COUN-SHALL BE LIABLE THEREON.

> Approval of the issuance of the Bonds by the County of Monroe is necessary in order for the interest on the Bonds to be excluded from gross in DANGER OF LOSING YOUR HOME. IF YOU FAIL come for federal income tax

The Issuer will, at the above stated time and place, hear all persons with views in fathe location or nature of the Facility, or the proposed financial assistance being contemplated by the Issu eddition, at or prior to such hearing, interested parties may submit to the issuer written materials pertaining to such matters.

MONROE COUNTY IN-DUSTRIAL DEVELOPMENT C 'ATION

A. Seil, Secretary

**SUMMONS AND** NOTICE OF OB-**JECT OF ACTION** 

STATE OF NEW YORK SU-

are hereby summoned to answer the Complaint in this acany such promises and any suggestions that you pay tion, and to serve a copy of your answer, or, if the Comthem a fee or sign plaint is not served with this Summons, to serve a notice deed. State law requires anyone offering such services for profit to enter into a contract of appearance, on the Plaintiff(s) attorney(s) within which fully describes the services they will perform and fees they will charge, twenty days after the service of this Summons, exclusive of the day of service (or withand fees they will charge, and which prohibits them from taking any money from you until they have completed all such promised services. § 1303 NOTICE NOTICE YOU ARE IN DANGER OF LOSING YOUR HOME IN UNIT OF TREASURED TO T in 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York). In case of your failure to appear or answer, judg-ment will be taken against you do not respond to thi summons and complaint b serving a copy of the answer you by default for the relief demanded in the Complaint. The Attorney for Plaintiff has an office for business in the County of Erie. Trial to be County of Erie. Trial to be held in the County of Genesee. The basis of the venue designated above is the location of the Mortgaged Premises. Dated this 15th day of March, 2010, Steven J. Baum, P.C., Attomey(s) For Plaintiff(s), 220 Northpointe Parkway, Suite G, Arnherst, NY 14228 TO: TINA M. FIRST-LEET AWA TINA M. FIRST-LEET AWA TINA M. FIRST-LEET AMORTHINA M. er with the court, a defa judgment may be entered and you can lose your home. Speak to an attorney or go to the court where your case is pending for further informapending for further information on how to answer the
summons and protect your
property. Sending a payment
to your mortgage company
will not stop this foreclosure
action. YOU MUST RESPOND BY SERVING A
COPY OF THE ANSWER
ON THE ATTORNEY FOR
THE PLANTIFF (MORTGAGE COMPANY) AND FIL.
ING THE ANSWER WITH
THE COURT. DATED:
March 15, 2010 Steven J.
Baum, P.C., Attorney(s) For
Plaintiff(s), Northpointe Parkway, Suite G. Armberst, NY
14228 The law firm of Steven
J. Baum, P.C. and the attor-LEET, Defendant(s) In this Action. The foregoing Summons is served upon you by publication, pursuant to an order of HON, ROBERT C. NOONAN of the Supreme Court of the State of New York, dated the 5th day of March, 2010 and filed with the Complaint in the Office of the Genesee County Clerk, in the City of Batavia. The ob-

\$60,000.00, and recorded at

Liber 1375 of Mortgages at Page 235 in the Office of the Clerk of the County of Gene-

York and being part of Lot No.6, Section 1, Township 12, Range 1 of the Holland Purchase and being Subdivi-

sion Lot No.3 as shown on a

YORK

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HOME

CLOSURE NEW

NOTICE ABOUT THE FORECLOSURE PROCESS.

PLEASE READ IT CARE-

PLAINT IN THIS FORECLO-

SURE ACTION, YOU MAY

PLEASE READ THE SUM-

MONS AND COMPLAINT

CAREFULLY, YOU SHOULD IMMEDIATELY

SHOULD IMMEDIATELY CONTACT AN ATTORNEY OR YOUR LOCAL LEGAL

AID OFFICE TO OBTAIN ADVICE ON HOW TO PRO-

ASSISTANCE

state encourages you to be-come informed about your

options in foreclosure. In ad-

YOURSELF. SOUR-

INFORMATION

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#### **LEGAL NOTICE** SUPPLEMENTAL

J. Baum, P.C. and the attor-neys whom it employs are debt collectors who are at-

tempting to collect a debt. Any information obtained by

them will be used for that

DVI-4x

purpose.

see, on the 15th day of April, 2003; The property in ques-tion is described as follows: 8971 CLIPNOCK ROAD, STAFFORD, NY 14143 SEE Index No.: 09-6777 FOLLOWING DESCRIPTION Date of Filing: January 11, ALL THAT TRACT OR PAR-CEL OF LAND, situate in the 2010 Town of Stafford, County of Genesee and state of New

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF MONROE

CITIMORTGAGE. Plaintiff, known Heirs of the Estate

map of the Charles and Jean Diefendorf Subdivision filed of Earl Patterson, if living, or if either or all be dead, their in Genesee County Clerk's Office on October 30, 1972 as Map No. 952. HELP FOR HOMEOWNERS IN FOREwives, husbands. law, next of kin, distributees, executors, administrators, assignees, lienors and gen-STATE LAW REQUIRES THAT WE SEND YOU THIS erally all persons having or claiming under, by or through said Unknown Heirs of the Estate of Earl Patterson, by 2 Summit Court purchase, inheritance, lien or otherwise, of any right, title or Fishkill, NY 12524 FULLY, SUMMONS AND COMPLAINT YOU ARE IN interest in and to the premises described in the complaint herein, and the respec-tive husbands, wives, widow or widowers of them, if any, all of whose names are unknown to plaintiff; ASSET ACQUISITION GROUP, LLC ASSIGNEE OF KEYBANK; BENEFICIAL HOMEOWNER SERVICE CORP, NEW SERVICE CORP; NEW YORK STATE DEPART-MENT OF TAXATION AND FINANCE; THE PEOPLE OF THE STATE YORK; UNITED STATES OF AMERICA-INTERNAL ENUE SERVICE; Hope Pat-ENUE SERVICE; Hope Pat-lerson, Heir of the Estate of Earl Patterson; Hope Patter-son "JOHN DOES" and "JANE DOES", said names being fictilious, pariles in-tended being possible ten-aints or occupants of prem-less and comparations other

owner's distress. You should be extremely careful about any such promises and any completion of service where service is made in any other manner, and in case of your failure to appear or answer, judgment will be taken judgment will be taken against you by default for the relief demanded in the com-

YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the gage company who filed this foreclosure proceeding foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home. Speak to an atto Speak to an attorney or go to the court where your case is pending for further informa tion on how to answer the summons and protect your

mortgage company will not stop this foreclosure action. YOU MUST RESPOND BY

SERVING A COPY OF THE ANSWER ON THE ATTOR-NEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT

NOTICE THAT WE ARE AT-TEMPTING 'TO COLLECT A
DEBT, AND ANY INFORMATION OBTAINED WILL BE
USED FOR THAT PUR-POSE

THE DEFENDANTS:

DEFENDANTS:
The foregoing summons is served upon you by publication pursuant to an Order of the Honorable Matthew A. Rosenbaum of the Supreme Court of the State of New York, signed on December 1, 2009, and filed with supporting papers in the Office of the Clerk of the County of Mon-Clerk of the County of Mon-roe, State of New York.

The object of this action is to foreclose a mortgage upon the premises described bexecuted by EARL PAT-TERSON to Intercounty Mortgage, Inc. in the principal amount of \$55,000.00, which mortgage was record-ed in Monroe County, State of New York, on April 4, 1997, in Liber/Reel 13274 at page 622. Said premises being known

47 BERGEN STREET ROCHESTER, NY 14606 Date: October 22, 2009 Fishkill, New York

Daniel B. Wade, Esc ROSICKI, ROSICKI & AS-SOCIATES P.C. Fishkill Office Help For Homeowners

New York State Law require about the foreclosure process. Please read it carefully. Mortgage foreclosure is a complex process. Some peo-ple may approach you about "saving" your home, should be extremely of about any such The State encourages you to become informed about your options in foreclosure. There are government agencies, le gal aid entities and other you may contact for informa-tion about foreclosure while you are working with your lender during this process. To locate an entity near you,

Plaintiff, -vs.-THE HEIRS AT LARGE OF NANCY L. REDMOND, DE-CEASED, and all persons widows, who are husband, grantees, mortgagees. heirs. enors. distributees, successors in interest of such of them as may be dead, and their hus-bands and wives, heirs, devisees, distributees and successors of interest all of whom and whose names and places are unknown to Plain-III, NEW YORK STATE PARTMENT OF TAXATION AND FINANCE; UNITED STATE OF AMERICA; "JOHN DOE" AND "JANE DOE" said names being ficti-tious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, De-

fendants.
Mortgaged Premises: 216
CROSSFIELD ROAD ROCHESTER N.Y. 14609. TO THE ABOVE NAMED DEFENDANT(S): YOU ARE HEREBY SUM-

MONED to answer the Com-plaint in the above entitled action and to serve a copy of your Answer on the plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of (30) days after completion of service where service is said map, to which reference service is hereby made in any other magnetis hereby made in any other magnetis hereby made in any other magnetis hereby made in the state. Ye United State of America, designal, N.Y. 146.9. designated as a defendar in this acwithin sixty (60) d s of service hereof. In ca failure to appear judgment will against you by de relief demanded taken uilt for the the Comis a deliciency i the sale proceeds, a defice ment may be enter you. That this act amended to add e Heirs a Large of Nancy L Deceased, 'New Department of Ta ion and Finance' and 'Uni America' as nece ny parties to the action YOUR

GER OF LOSI HOME. If you o not re soond to this su ons and attorney complaint by sen of the answer on th for the mortgage who filed this fore compan sure on ceeding against ing the answer w ou and filmay be to lose to an at-the court a default judomi entered and your home. Spe torney or go to where your case is pending for further inform on on how nons and protect your prop W. Se ing a payment to gage company wi this foreclosure ac not stop

SERVING A CO Y OF THE ON T NEY FOR THE AINTIFF MORTGAGE WITH THE COU Monroe County is design ed as the place of trial e basis of on of the mortgaged premis Dated: January 2010. ECTION:

DISTRICT OT: 57 92.63. BLOCK: 1 FEIN SUCH & C Attorneys for Pla and P.O. BANE, LLP 1 00, Ro-14614, Main Street, Suite Telephone No. 585) 232-

Mortgage was further as-signed to Plaintiff by virtue of an Assignment of Mortgage an Assignment of Mortg recorded in Liber 1292 Mortgages, at page 532, on May 21, 1999. TO THE DE-FENDANT, except NANCY L. REDMOND, DECEASED, the plaintiff makes no per-sonal claim against you in this action. To the above named defend-

ants: The foregoing sum-mons is served upon you by publication pursuant to an or-der of the Hon. John J. Ark, a Justice of the Supreme Court of the State of N.Y., dated February 16, 2010 and filed along with the supporting pa-pers in the Monroe County Clerks Office. This is an acpublication pursuant to an ortion to foreclose a mortgage. The premises is described as follows: All that tract or par-cel of land, situate in the City of Rochester, County of Monroe and State of New York, bounded and described as follows: Lot No. 35 as shown on a map of Edgewood on file in the Monroe County Clerk's Office in Liber 44 of Maps at page 28. Said Lot No. 35 is situate on the east Esq., REFEREE side of Crossfield Road, said road being shown on the map as Collinwood Road: said Lot No. 35 is 60 feet wide front and rear and 120 feet in depth as shown on

**PUBLIC NOTICE** The United States Enviits obligations under the Environm National Environmental Policy Act, issued a Finding of No mpact/Environ essment (FNSI/EA) on March 5, 2010 for the Monroe County Water Authority's East Side Water Supply Project, which is being funded in part by a feder Special Appropri grant (No. XP972710-05). The EPA's environmenta review of this project indicates that no significant adverse environmental impacts will result from the proposed action.

The project will increase the capacity, reliability, en-ergy efficiency and secun-ty of the Water Authority's public water supply system by providing an alternate primary source of drinking water.

The project involves the construction of a lake water intake and tunnel system, a water treatment plant, and water transmis-sion mains. These facilities would be located in the Towns of Webster and Penfield and would conwater supply network.

Comments must be re-ceived within 30 calendar days of the date of this FNSI. Please address FNSI. Please address your comments to Grace Musumeci, Chief, Environ-Review Section, United States Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866. A copy of the FNSI/EA is available for Authority's General Office http://www.epa.gov/region Court, Suite 301, Fishkill New York 12524 (845) 897-1600 Pursuant to judgment of fore-

On April 5, 2010 at 10:00 AM

STATE OF NEW YORK

closure and sal

terms of sale.

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INDEX NO. 08-13030

bed in the judgment of fore-

Sold subject to all of the

terms and conditions con-

Approximate amount of judg-

**LEGAL NOTICE** 

NOTICE OF FORMATION

with the NY Dept. of State on March 9, 2010 pursuant to

The office is located in Liv-ingston County, NY. The Secretary of State is desig-nated as arent of the limited

liability company upon whom process against it may be sened. The address within

her is 4200 East Lake Road, Liveria, VY 14487. The pur-pose of the LLC is to engage

LEGAL NOTICE

000566 a copy of which may be examined at the x Number I2010-

ion 203 of the NY Limit-

Company Law.

liability

DVH-6x

ved upon him or

LLC-is to engage

y York Supreme y of Monroe, on of March, 2010,

d at the Monroe k's Office, locat-

Rochester, New

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NOTICE

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OF KUKLA FAMILY.

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Broadway. 12246, where such proposals will be publicly opened and closure and sale granted herein on or about May 1, 2009, I will sell at Public Aucread aloud.

2005, t will seil at Public Auc-tion to the highest bidder at the front vestibule of the Monroe County Office Bldg., 36 West Main St., Rochester, NY. The Contractor shall complete all work necessary for substantial completion by

A pre-bid conference and project walk through will be held on Thurs., April 1, 2010 Premises known as 107 Grafton St., Rochester, NY at 10:00AM with all co tors assembled in the lobb at 181 South Street, Rochester, NY.

ALL THAT TRACT OR PAR-CEL OF LAND, SITUATE IN THE CITY OF ROCHESTER, Bidding and Contract Documents may be examina of charge at the campus and

> BHNT Architects, PC 2495 Main St., Ste 434 (716) 836-1522 Project Manager

Site (SUNY Campus): State Univ College at Brockport Facilities and Planning Commissary Buildin Brockport, NY 14420 (585) 395-2232 David Strabel, RA

Avalon Document Services planroom.com/public.php

Dodge Reports Albany, NY 12205 320 N Goodman Street, Suite S200, Rochester NY 14607

Construction Exchange of Buffalo & WNY, Inc. 2660 William Street Cheektowaga, NY 14227

Builders Exchange 180 Linden Oaks, 180 Linden Oaks, Suite 100, Rochester, NY 14625

his state to which y of State shall of any process limited liability Syracuse Builders Exchange 6563 Ridings Road, Syracuse, NY 13206

Minority Contractors Assoc of Central New York 2610 South Salina Street, Suite 7, Syracuse, NY

ereby given that entered by the-

Mohawk Valley Bldrs Exchange 728 Court Street, Utica, NY 13502

Eastern Contractors Associa-tion 6 Airline Drive, Albany, NY 12205

Urban League of Rochester (Business Development Div) 265 N. Clinton Ave, nty Office Build-101, 39 West Rochester NY 14605

Albany Ctr for Economic Success #101, 255 Orange Street, Albany, NY 12210

d. My present 99 Garson Ave-The Contract Documents may be viewed and ordered through the following webate of my birth is through the roman com 55; the place of site: www.avalonplancom.com pachester, New and Public Jobs section. present name is Contract Documents can be picked up at Avalon Document Services located at Buckingham Commons, 89 Allan Street, Rochester, NY 14608 upon ordering from the Avalon website and submitting a deposit of \$90.00 per set. Deposits are to be made by check payable to BHNT Architects P.C. Deposits will be refunded to bidders returning the bid docu-ments in GOOD, condition within (30) days of award or rejection of the bid.

> If you do not have internet access or have questions on ordering from the site, please contact Avaion Document Services at (585)242-9999. Contract Documents will NOT be available from BHNT Architects. Calls to BHNT Architects requesting Contract Documents will be referred to Avalon Document Services.

Bids must be submitted in duplicate in accordance with the instructions contained in the information for Bidders.

ition to seeking assistance from an attorney or legal aid office, there are government NATURE AND BUECT OF public review at the Water you may call the toil-free helpline maintained by the New York State Banking Deagencies and non-profit orises, and corporations, other entities or persons who located at 475 Norris Drive, Rochester, NY and above action is to contact for information about mortgage held by mortgage held by the Plaintiff recorded in the County of MONROE, Stat of New York on September 8, 1993, in Liber 11764 o Mortgages, claim, or may claim, a lien possible options, including trying to work with your lendon the EPA's website against the premises, De-fendants. (1-877-226-5697) or visit the Department's website at www.banking.state.ny.us. er during this process. To lo-cate an entity near you, you 02/spmm/r2nepa.htm DVV-tx The State does not guaran- at page 85;

Agency (EPA), in fulfilling

LEG Comments supporting or disagreeing with this deci-sion may be submitted to the EPA for consideration. ER LLC. with Secy location: Greig S. Sodus Point, NY 14555, S.NY designated as agent of ocess ag process to addr. of it princ. united lawful activity. pose in DUT-6X NOTICE TO

4910 No ice to Bidders

BIDDERS

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ANDITICE OF PUBLIC HEARING

NOTICE of PUBLIC HEARING

NOTICE of Service of the control of the form of the control of

Legals

PNS/IPA is available to public review at the Water Authority's General Office located at 475 Nomis Drive, Rochester, NY and on the EPA's website http://www.epa.gov/region.02/spmm/r2nepa.htm.

DVV-tx NATURE AND ELECT OF ACTION The cluent of the above action is to largelace a mortgage held by the Plantiff recorded in the County of MONROE, Stats of New York on September 8, 1993, in Liber 11754 of Mortgages, at page 85, sail, mortgage was assigned by PHH US Mortgage Corporation. In Weyerhauser Mortgage Corporation to Weyerhauser Mortgage Company but used an Assigned September 1997.

4900

Court. Suite 301. Flishkill New York 12524 (645) 997-1600. Pursuant to judgment of fore-closure and sale granted harvin on or about May 1, 2009, I will sell at Public Auc-tion to the highest bidder at the front vestibule of the Monroe County Office Bidg., 39 West Main St., Rochester, NY. On Andi S. 2010 et 10:000 AM.

Plaintiff. vs.
THE HEIRS AT LARGE OF MANCY L REDMOND. DECEASED, and all partons who are hubband. Widows, prantees, mortgagees, item to the many control of the many co **LEGAL NOTICE** 

LEGAL NOTICE
NOTICE OF FORMATION
OF KUKLA FAMILY, LLC.
Isled Anicles of Dyparization
with the NY Dept of State on
March 9, 2010 pursuant to
March 10, 2010 pursuant
M

LEGAL NOTICE

ISSNY on 304/10. Office Discator: Mayne County posts with the refunded to bid-pinc. office of LLC: 8487 date returning the bid documents. Solve Point, NY metris in GOOD condition 14505. San'y designated as egent of LLC upon whom rejection of the bid. process by the LLC at the addr. of all princ. office. Purposes, the lawful activity. DUT-6X.

4910

Notice to Bidders.

NOTICE TO

NOTICE TO BIODERS STATE UNIVERSITY

was assigned by OH\* US
Well-Barry Course of the Course of

4910 Notice to Bidders

The Contractor shall com-plete all work necessary for substantial completion by Nov. 15, 2011.

Mornoe Courty Office Bidg.

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An April S. 2010 at 10 00 AM
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Avalon Document Services www.avalon-planroom.com/public.php

Dodge Reports
6 Wembley Court.
Albany, NY 12205
320 N Goodman Street,
Suite S200,
Rochester NY 14807

Builders Exchange 180 Linden Oaks, Suite 100, Rochester, NY 14625

Syracuse Builders Exchange 6563 Ridings Road, Syracuse, NY 13206 Minority Contractors Assoc of Central New York 2610 South Salina Street, Suite 7, Syracuse, NY Email:

LFGAL NOTICE

Notice is hareby given that an Crofor instance by the State of Noty York Supreme Court. Courty of Monroe, on the 16th day of March, 2010, bearing idex Number (2010-1000) and the 16th day of March, 2010, bearing idex Number (2010-1000) and the 16th day of March, 2010, bearing idex Number (2010-1000) and the County Office Bullet County Office Bullet County Office Bullet Main Street Notherland Works office, location of Askine Dream (Suprement Divides of the County Office Bullet Main Street Notherland Works of the Notherland Works of the County Office Bullet Main Street Notherland Works of the Notherland Works of

Bids must be submitted Bids must be submitted in duplicate in accordance with the instructions contained in the information for Bidders. Security will be required for each bid in an amount not less than five (5) percent of the Total Bid.

Notice to Bidders

The Fund reserves the right to reject any or all bids. STATE UNIVERSITY CONSTRUCTION FUND

MONROE COCNTY WATER AUTHORITY NOTICE IS HEREBY GIVEN THAT sealed bids for the following will be re-

the following will be re-ceived by the Monroe County Water Authority at its Operation Center, 475 Norns Drive, Rochester, New York 14610-0999 pur-suant to Section 1108 of the Public Authorities Law the Public Authorities Lew until 11:00 A.M. prevailing time on MONDAY. APRIL 5, 2010 at which time and piace they will be publicly opened and read aloud. The Authority reserves the right to reject any and all bids.

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PURCHASE AND
NSTALL ONE LEIBERT
5 TON GLYCOOL
CHALLENGER
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The contract document
may be obtained from
the Receptionast at the
Operation Center, 475
Norfis Drive, Rochester.
VY 14610
Copies of the abovedescribed contract documents may be examined
at no expense at the Operation Center.
Linda K. Boaty.

Linda K. Beaty, Purchasing Agent DVR-1x

MONROE COUNTY WAYER NOTICE IS HEREBY GIV.

NOTICE IS HEREBY GIV.

EN THAT sailed bids for the following will be rethe following will be re-ceived by the Monroe County Water Authority at its Operation Center, 475 Nortis Drive, Rochester, New York 14610-0999 pur-suant to Section 1108 of the Public Authorities I aw the Public Authorities Law until 1:00 P.M. prevailing time on MONDAY, APRIL 5, 2010 at which time and place they will be publicly council and read aloud. The Authority reserves the right to reject any and all bids.

DUCTILE IRON PIPE
The contract documents
may be obtained from
the Receptionis at the
Operation Cenier, 475
Norns Drive, Rochester,
NY 14810
Copies of the abovedescribed contract documents may be examined
at no expense at the Operation Center,
Linda K Beaty,
Purchasing Agent

MONBOR
COUNTY
AUTRIMITY
NOTICE IS HEREBY GIVEN THAT sealed bids for
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County Water Authority at
its Operation Center, 475
Norns Drive, Rochester,
New York 14910 pursuant
to Section 1106 of the
Public Authorities Law un-Public Authorit til 11:00 A.M.

Bid forms and specific tions may be picked in at the Operation Center

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#### **PUBLIC NOTICE**

PUBLIC NOTICE
The United States Environmental Agency (EPA), in fulfilling its obligations under the National Environmental Policy Act, issued a Finding of No Significant impact/Environmental Assessment (FNSI/EA) on March 5, 2010 for the Monoco County Water Authority's East Side Water Supply Project, which is being funded in part by a federal Special Appropriations Act grant (No. XP972710-05). The EPA's environmental review of this project indicates that no significant adverse environmental impacts will result from the proposed action.

The project will increase

The project will increase the capacity, reliability, energy efficiency and security of the Water Authority's public water supply system by providing an alternate primary source of drinking water.

drinking water.

The project involves the construction of a lake water intake and tunnel system, a water treatment plant, and water transmission mains. These facilities would be located in the Towns of Webster and Penfield and would convey water to the existing water supply network.

vey water to the existing water supply network.

Comments supporting or disagreeing with this decision may be submitted to the EPA for consideration. Comments must be received within 30 calendar days of the date of this FNSI. Please address your comments to: Grace Musumeci, Chief, Environmental Review Section, United States Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1868. A copy of the FNSI/EA is available for public review at the Water Authority's General Office located at 475 Norris Drive, Rochester, NY and on the EPA's website: http://www.epa.gov/region 02/spmm/r2nepa.htm DVV-1x

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Commants. supporting or

vey water to the existing water supply network.

Comments supporting or disagreeing with this decision may be submitted to the EPA for consideration. Comments must be received within 30 calendar days of the date of this PNSI. Please address your comments to: Grace Musumed, Chief, Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866. A copy of the FNSIPEA is awailable for public review at the Water Authority's General Office located at 475 Norris Drive, Rochester, NY and on the EPA's website: http://www.epa.gov/region 02/spmm/r/2nepa.htm

\*

## Fw: East Side Water Supply Project ~ NEPA Finding of No Significant Impact/Environmental Assessment

Grace Musumeci to: William Lawler

03/22/2010 08:31 AM

History:

This message has been replied to.

Mello may have already forwarded this to you for the file.

----- Forwarded by Grace Musumeci/R2/USEPA/US on 03/22/2010 08:29 AM -----

"Karin Anderson" < Karin. Anderson@mcwa.com>

To:

John Mello/R2/USEPA/US@EPA

Cc:

Grace Musumeci/R2/USEPA/US@EPA, "Richard Metzger" <Richard.Metzger@mcwa.com>

Date:

03/19/2010 08:45 AM

Subject:

East Side Water Supply Project ~ NEPA Finding of No Significant Impact/Environmental

Assessment

#### Mr. Mello:

Dick Metzger asked me to forward you a copy of the public notice appearing in today's\_ Democrat & Chronicle newspaper regarding the NEPA Finding of No Significant Impact/Environmental Assessment for our East Side Water Supply Project.

<<D&C Public Notice Ad.pdf>>

You may contact Dick at (585) 442-2001, ext. 501, or email @ Richard.Metzger@mcwa.com, if you have any questions.

Karin Anderson

# **Karin Anderson**

Assistant to the Director of Engineering

Monroe County Water Authority



(585) 442-2000 x 419 D&C Public Notice Ad.pdf



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

MAR 05 2010

Richard J. Metzger, P.E. Executive Director Monroe County Water Authority 475 Norris Drive P.O. Box 10999 Rochester, New York 14610-0999

Dear Mr. Metzger:

In accordance with the Environmental Protection Agency (EPA) regulations for implementing the requirements of the National Environmental Policy Act (NEPA), EPA recently issued a Finding of No Significant Impact/Environmental Assessment (FNSI/EA) for the Monroe County Water Authority's East Side Water Supply Project, which is being funded in part by a federal Special Appropriations Act grant.

A copy of the FNSI/EA is enclosed for your information and use. Please send a copy of it to all interested parties and agencies, provide public notice of its availability for public review in a local newspaper, and make it available for public inspection at an appropriate local repository. You may want to note that the document will be available on EPA's website at <a href="http://www.epa.gov/region02/spmm/r2nepa.htm">http://www.epa.gov/region02/spmm/r2nepa.htm</a>. A copy of the public notice should be sent to this office for our records.

If you have any questions, please contact William Lawler, P.E., of this office at (212) 637-3728.

Sincerely yours,

Grace Musumeci, Chief

**Environmental Review Section** 

Strategic Planning and Multi-Media Programs Branch

Enclosure

bcc:

J. Mello, DEPP-DWMIB

W. Lawler, DEPP-SPMMP

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i.



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

MAR - 5 2010

To All Interested Government Agencies and Public Groups:

In accordance with the U.S. Environmental Protection Agency's (EPA) procedures for the preparation of environmental impact statements (EIS), an environmental review has been performed on the proposed agency action below:

**Project Name:** 

Monroe County Water Authority East Side Water Supply Project

**Purpose of Project:** 

The project is intended to increase the capacity, reliability, energy efficiency and security of the Monroe County Water Authority's (MCWA) public water supply system by providing the system with an alternate primary source of drinking water. Presently, the existing system receives almost all of its water from a single source located to the west of the Genesee River. The project would be located to the east of the river and, thus, would provide the MCWA with an

alternate water supply source.

**Project Originator:** 

Monroe County Water Authority

**Project Location:** 

Towns of Penfield and Webster Monroe County, New York

**Project Description:** 

The project consists of construction of a lake water intake and tunnel system, a water treatment plant capable of producing an average of 35 million gallons per day of potable water, and 7.8 miles of water transmission mains. These facilities would be located to the east of the Genesee River and convey water to the MCWA's existing water supply network.

**EPA Grant No.:** 

XP972710-05

**Total Project Cost:** 

\$150,000,000

**Estimated Eligible Project Cost:** 

\$ 41,873,450

**Projected EPA Grant:** 

\$ 5,760,500

Our environmental review of this project indicates that no significant adverse environmental impacts will result from the proposed action. Consequently, we have made a decision not to prepare an EIS on the project. This decision is based on a careful review of the project's environmental information document and other supporting information. These documents, along with the Environmental Assessment (copy enclosed) are on file at the offices of EPA Region 2, and at the offices of the MCWA, where they are available for public scrutiny upon request. The EA will also be made available on the EPA website at <a href="http://www.epa.gov/region02/spmm/r2nepa.htm#r2docs">http://www.epa.gov/region02/spmm/r2nepa.htm#r2docs</a>.

Comments supporting or disagreeing with this decision may be submitted to EPA for consideration. All comments must be received within 30 calendar days of the date of this finding of no significant impact (FNSI). Please address your comments to: Grace Musumeci, Chief, Environmental Review Section, at the above address. No administrative action will be taken on the project for at least 30 calendar days after the date of this FNSI.

Sincerely,

Judith A. Enck

Regional Administrator

Waitn A. Enek

Enclosure

bcc: J. Mello, DEPP-DWMIB

Y. Cardona, OPM-GCMB W. Lawler, DEPP-SPMMP

FINAL: G:\deppdiv\SPM\ERS\ERSFINAL\Nepa Compliance\Special Appropriations Grants\New York\Monroe County\East Side Project\East Side Project FNSI.doc

DEPP-SPMM:LAWLER:03/02/1003/09/10::x3728



## **Environmental Assessment**

# I. Project Identification

Name of Project:

East Side Water Supply Project

Grant Applicant:

Monroe County Water Authority

P.O. Box 10999 475 Norris Drive

Rochester, New York 14610-0999

Project Location:

Towns of Webster and Penfield, New York

# II. Background

The planning area for this project is in Monroe County, New York (see Figure 1).



Figure 1 – Planning Area Location

Specifically, it is the area served by the Monroe County Water Authority (MCWA). The MCWA is a public benefit corporation, organized in 1950 under the New York State Public Authorities Law. The MCWA supplies drinking water to most areas of Monroe County, and to portions of Genesee, Orleans, Ontario and Wayne counties (see Figure 2); more than half a million people.

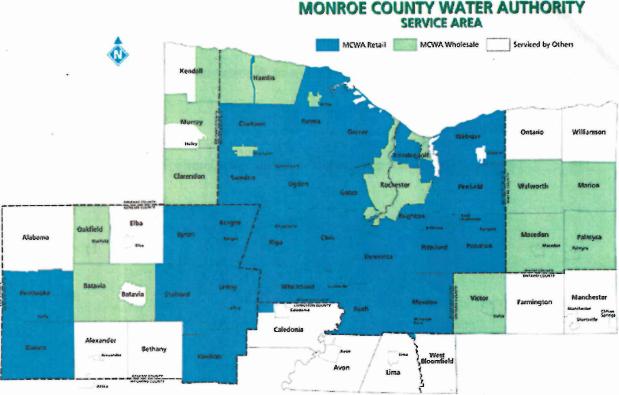


Figure 2 – Monroe County Water Authority Service Area

The Genesee River divides the MCWA's service area into eastern and western sections. Presently, the MCWA's primary water production source is its Shoremont Water Treatment Plant, which is located on the western side of the service area (see Figure 3).

The Shoremont plant treats water obtained from Lake Ontario and supplies potable water to most of the service area, on both the east and west sides of the Genesee River, via a system of water supply mains. The MCWA is also able to obtain water from the City of Rochester's water system and to sell water to the City of Rochester. It also operates smaller water treatment plants in the Villages of Brockport and Corfu on a part-time, as-needed basis.

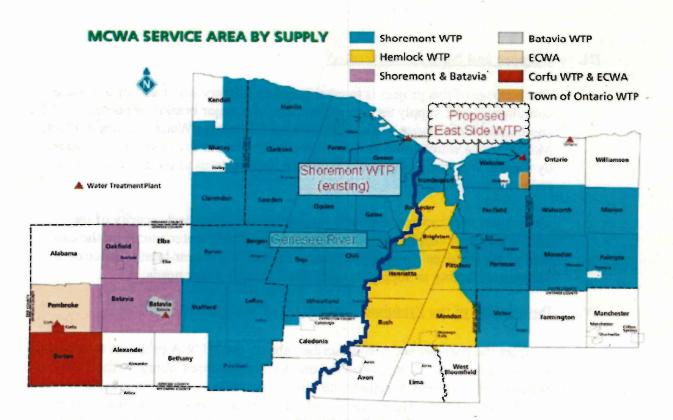


Figure 3 - Service Area by Water Supply Sources

Planning for the project has been underway since the mid-1990s. In 1996, pursuant to requirements of the New York State Environmental Quality Review Act (SEQRA), the MCWA solicited public and agency review comments on the draft environmental impact statement (EIS) on the project. The MCWA subsequently issued its final EIS for the project, including a responsiveness summary addressing comments about the project. In its 1996 Findings Statement, the MCWA found that the various practicable mitigation measures identified in the final EIS would enable the proposed project to avoid or minimize adverse impacts to the maximum extent practicable, and incorporated those conditions into the project.

Subsequently, in 2006, the New York State Department of Environmental Conservation (NYSDEC) conducted a public hearing and comment period in connection with its review of the various permits needed for the project. After an extended and thorough review, the NYSDEC issued its Statement of Findings (Appendix A) for the proposed project in 2008. It found that the environmental impacts relevant to its jurisdiction have been accurately identified and satisfactorily addressed, that the project's adverse environmental impacts have been avoided, minimized or mitigated to the maximum extent practicable, and that no significant issues remained that would preclude issuance of the permits.

#### III. Purpose and Need for the Project

The purpose of this project is to create another primary water source to ensure continuing water supply service in the event of a major breakdown or the need for significant maintenance work at the existing Shoremont Water Treatment Plant. Most systems which provide service to populations similar in size to that served by the MCWA have redundancy built into their systems to ensure reliability and reduce vulnerability.

The project will increase the capacity, energy efficiency and security of the MCWA's water supply system. Creating a significant water source on the east side of the Genesee River will eliminate the MCWA's near-total reliance on its Shoremont facility to supply its customers' potable water needs.

#### IV. Description of the Proposed Project

To meet the purpose and need described above, the MCWA proposes to construct a new source of water supply on the east side of Monroe County, in the Towns of Webster and Penfield, together with interconnections to its existing water distribution system. The project would utilize Lake Ontario as its water supply source and be connected to the MCWA's existing water supply and distribution facilities.

The proposed East Side Water Supply Project (see Figure 4) consists of four major components: a Lake Water Intake System, a Water Treatment System, and the Finished Water Transmission Mains. These components and their subsystems are further described as follows:

- A. <u>Lake Water Intake System</u> This component includes a water intake crib, intake tunnel, riser well, and raw water pumping station:
  - 1. Water Intake Crib This structure measures approximately 30 feet long, 30 feet wide, and 17 feet high. It would be installed on the bed of Lake Ontario, in approximately 50 feet of water, approximately 5,000 feet from the shoreline. The crib structure prevents large debris and aquatic life from entering the water intake.
  - 2. Intake Tunnel The water intake tunnel/pipe would be approximately 8 feet in diameter and extend from the shoreline to the crib structure. It would be constructed through the bedrock beneath the lake bottom.
  - 3. Riser Well This is the landward vertical segment of the lake water intake tunnel. Raw lake water from the tunnel would flow upward through the riser

- well to the horizontal tunnel (200 feet long and 8 feet in diameter) which would convey it to the proposed Lake Water Pump Station.
- 4. Lake Water Pump Station This pump station pump would pump the raw lake water from the riser well/tunnel to the proposed water treatment plant.
- 5. Raw Water Transmission System The raw water transmission system would convey water from the Lake Water Pump Station to the proposed Water Treatment Plant, a distance of approximately 16,000 feet. It would consist of a 54-inch to 60-inch diameter subsurface pipeline installed at depths ranging from 3 feet to 10 feet below the ground surface.

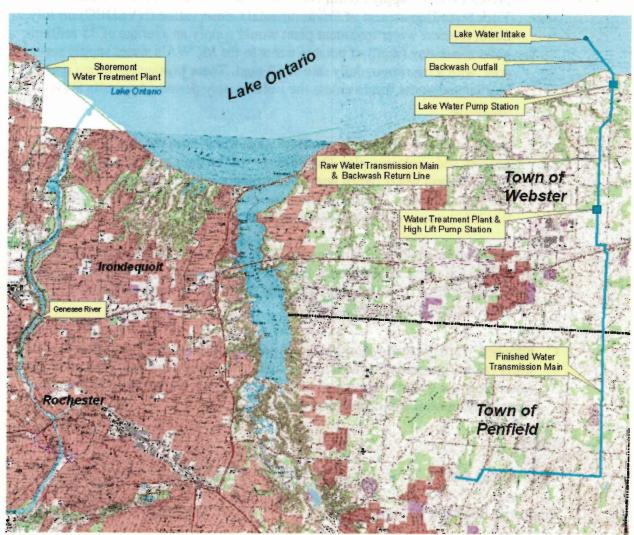


Figure 4 – Location of Existing Shoremont Water Treatment
Plant and Proposed East Side Water Supply Facilities

- B. <u>Water Treatment System</u> this component includes the treatment facility itself and its backwash water disposal line:
  - 1. Water Treatment Facility The treatment processes that are planned to be used to treat the lake water to potable standards include: rapid mixing, coagulation, high-rate direct filtration, and disinfection. These processes are similar to those which are currently in use at the MCWA's existing Shoremont water treatment facility.

Pursuant to the terms and conditions of the MCWA's public water supply permit (Water Supply Permit No. 8-2699-00097/00002) issued by the New York State Department of Environmental Conservation (NYSDEC) on July 7, 2008, the new water treatment plant would supply an average of 35 milliongallons-per-day (mgd) of potable water to the MCWA's water supply service area, with a maximum daily rate of 50 mgd. These production limits may not be changed in the future unless the water supply permit (Appendix B) is modified.

2. Backwash Water Return Line - Backwash water from the water filtration process and treatment plan site drainage will be conveyed to Lake Ontario via the backwash water return line, in accordance with the terms and conditions of the State Pollutant Discharge Elimination System permit (SPDES No. NY-0247367) issued to the MCWA (Appendix C).

The backwash water return line would be a 24-inch diameter pipe installed within the water intake tunnel. It would discharge to Lake Ontario via an outfall diffuser installed approximately 3,500 linear feet from shore in approximately 33 feet of water.

C. <u>Finished Water Transmission Mains</u> - Approximately 41,225 linear feet of new water mains, generally 54-inches in diameter, would convey the finished potable water from the water treatment plant to connections with the MCWA's existing water transmission and distribution mains.

#### V. Costs

Total Project Cost:

\$150,000,000

Estimated Eligible Project Cost:

\$ 41,873,450

Projected EPA Grant (XP972710-05):

\$ 5,760,500

#### VI. Alternatives

- A. No Action Alternative Under the "no action" alternative, the MCWA would not proceed with developing a new source of water supply in the eastern portion of its service area. Without a redundant water source, the MCWA would continue to rely almost exclusively on a single water source, its existing Shoremont water treatment plant in the western portion of its service area, to supply potable water to almost all of its service area. The MCWA would not have a backup source of water available in the event that the Shoremont facility needs to be taken out of service due to mechanical problems or is affected by an unplanned major outage or natural occurrence. In addition, the inefficient use of the energy needed to pump water from the west side Shoremont facility to the eastern portion of the service area would continue. "No action" is, therefore, rejected.
- B. Alternative Water Supply Sources The MCWA considered and analyzed various other water supply sources that are, or could become, available. These include: obtaining water from the municipalities of Albion, Brockport, Canandaigua, Ontario, Sodus, Williamson, the Kodak Industrial Water Plant, and/or the City of Rochester. These either lack sufficient available capacity to meet the MCWA's projected demands, would incur significant energy costs to pump the water, and/or would require significant expenditures to construct the treatment and/or transmission facilities that would be needed to connect them to MCWA's existing system. Thus, the use of these alternative sources of water was not selected.
- C. Modifications to the Shoremont Water Treatment Plant The potential to expand the production capacity of the existing Shoremont facility is restricted by its ability to draw water from Lake Ontario and convey the treated water to the areas where it is needed. Previous engineering studies have determined that without major reconstruction, the capacity of the facility's raw water intake from Lake Ontario is limited to approximately 140 million gallons-per-day (mgd), and that it is not economically feasible to expand the facility's water production capability. In addition, expansion of the existing facility would exacerbate the weakness of having almost all the MCWA's water production capability concentrated at a single location. This would increase overall system's vulnerability to being without potable water should water production capability of the Shoremont facility be lost for any reason.

# VII. Environmental Consequences of the Proposed Action

#### A. Water Resources

 Construction and operation of the proposed lake water intake and return water line in Lake Ontario will be conducted subject to the limitations and conditions specified in the various project-related permits, including but not limited to the permits issued by the NYSDEC (Appendices B, C, and D) and the U.S. Army Corps of Engineers (Appendix E), which are incorporated by reference.

- The lake water intake, where the water is drawn from the lake, is designed to
  prevent large debris and aquatic life from being drawn into the water intake
  tunnel. Consequently, no significant adverse impacts to aquatic life are
  anticipated.
- 3. Backwash water from the water treatment plant and site drainage will be conveyed to Lake Ontario, 3,500 feet from shore, pursuant to the water quality parameters, sampling requirements, and reporting terms specified in the State Pollutant Discharge Elimination System (SPDES) permit which the NYSDEC issued to the MCWA for the facility. Thus, no significant adverse water quality impacts are anticipated.
- 4. Wetlands The U.S. Army Corps of Engineers oversees the federal permit processes for actions within or adjacent to wetlands. The project has been designed to avoid wetlands where possible, and to minimize wetland encroachment and disturbances to the extent practicable. Following completion of the federal permit review process pursuant to the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, the Department of the Army issued Permit No. 205-01765 to the MCWA on December 7, 2009. In connection with the proposed project, and subject to a number of general and special conditions, the permit authorizes the following:
  - placing a water intake crib and a diffuser structure, and the associated rip-rap protection for both of them on the bed of Lake Ontario
  - permanently impacting approximately 3.8 acres of federal wetland
  - temporarily impacting approximately 4.73 acres of federal wetland
  - temporarily impacting approximately 95 feet of stream

As compensation for the project's unavoidable and permanent impacts to the 3.8 acres of wetlands, the permit requires the MCWA to create, at a minimum, 9.28 acres of wetland (2.18 acres of emergent wetland, 3.74 acres of scrubshrub wetland, and 3.36 acres of forested wetlands) at the sites of the Lake Water Pumping Station and the Water Treatment Plant. Protective real estate covenants that guarantee preservation of these areas for wetland and wildlife resources will be placed on these properties.

This permit process provided ample opportunity to establish construction practices that would mitigate potential adverse impacts associated with work in or adjacent to wetlands areas. Any work within wetlands will be undertaken in accordance with permit requirements. The contractor will be required to implement erosion control measures so as to minimize the impact of the excavation and backfill activities. The areas in which the water mains are to be installed will be graded and reseeded as quickly as possible following construction to restore the natural setting and to preserve the original wetland values to the maximum extent possible.

Accordingly, and based upon the MCWA's acceptance of the permit's general and special conditions, including the wetland mitigation plan, we have determined that no significant wetland impacts should result as a consequence of this project.

Permit No. 205-01765 issued by the Department of the Army, which includes the MCWA's November 2009 Final Compensatory Mitigation Plan, is incorporated by reference and appended to this document.

- 5. Stormwater Management The project must comply with the requirements of the NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity, Permit GP-02-01. In addition, Stormwater Pollution Prevention Plans have been prepared for each construction site which disturbs one acre or more of land surface. Consequently, no significant short-term or long-term stormwater impacts will result from the project.
- Groundwater The project does not involve discharges to groundwater and is not located in the vicinity of any federally-designated sole source aquifer. Thus, there will be no significant impacts to groundwater resources.

#### B. Air Resources

 General Conformity Analysis – Because the project would be funded in part through a Federal grant, it is subject to the general conformity air quality regulations (40 CFR 93 Subpart B). This project is located in Monroe County, which is part of the Rochester 8-hour ozone nonattainment area designated by EPA on June 15, 2004.

Ozone is not directly emitted from vehicles and equipment, but rather it forms through a chemical reaction of emissions from various sources moving through the atmosphere in the presence of sunlight. Therefore, for the analysis we estimated the emissions of the ozone precursors, oxides of nitrogen ( $NO_X$ ) and volatile organic compounds (VOC). These precursors result from combustion and are directly emitted by vehicles and engines. Tables 1 and 2 below show the results of the general conformity applicability analysis for this project.

Emission estimates were based on emission factors taken from a number of sources and on the vehicle/equipment types and activity levels supplied by the project sponsor. Because emissions of NO<sub>X</sub> and VOC in the project's construction years of 2010 and 2011 are below the applicable deminimis threshold values, the project is presumed to conform to the State Implementation Plan and no further action is necessary.

Table 1 - 2010 CONSTRUCTION EMISSIONS SUMMARY FOR GENERAL CONFORMITY			
POLLUTANT	VOC	NOx	
OFF-ROAD CONSTRUCTION EMISSIONS (tons/year)	0.126	0.777	
ON-ROAD CONSTRUCTION EMISSIONS (tons/year)	0.030	0.61	
TOTAL CONSTRUCTION EMISSIONS (tons/year)	0.155	0.938	
GENERAL CONFORMITY THRESHOLD (tons/year)	50	100	
PERCENTAGE OF THRESHOLD FOR 2010	0.31%	0.94%	

Table 2 - 2011 CONSTRUCTION EMISSIONS SUMMARY FOR GENERAL CONFORMITY			
POLLUTANT	voc	NOx	
OFF-ROAD CONSTRUCTION EMISSIONS (tons/year)	0.233	1.213	
ON-ROAD CONSTRUCTION EMISSIONS (tons/year)	0.051	0.239	
TOTAL CONSTRUCTION EMISSIONS (tons/year)	0.284	1.453	
GENERAL CONFORMITY THRESHOLD (tons/year)	50	100	
PERCENTAGE OF THRESHOLD FOR 2011	0.57%	1.45%	

2. Greenhouse Gas Analysis - EPA also developed an estimate of the greenhouse gases associated with the project, for informational purposes. This analysis (Table 3) includes emissions of carbon dioxide (CO<sub>2</sub>) from the construction phase of the project. In addition, one megawatt per day of energy savings are expected to be realized by lessening the amount of water which must be pumped from the Shoremont Water Treatment Plant to the east side of the service area. This is expected to reduce greenhouse gas emissions by 254 to 262 metric tons of carbon equivalents over a year.

Table 3 – 2010 and 2011 CARBON DIOXIDE EMISSIONS "Greenhouse Gas"			
YEAR	2010	2011	
OFF-ROAD CONSTRUCTION EMISSIONS (tons/year)	93.420	142.338	
ON-ROAD CONSTRUCTION EMISSIONS (tons/year)	38.266	66.470	
TOTAL CONSTRUCTION EMISSIONS (tons/year)	131.686	208.808	

- 3. Short-term Air Quality Effects Construction-related impacts to air quality in the project area include fugitive dust emissions and emissions from construction equipment. Mitigation techniques include but are not limited to:
  - a) Wetting or chemically treating exposed earth during construction.
  - b) Limiting construction activities during extremely windy and/or dry conditions.
  - c) Covering dust-producing materials being transported to and from the area.

- Keeping trucks and other construction equipment clean and properly maintained.
- e) Implementing traffic management plans to minimize delays, and routing traffic away from residential areas and other sensitive receptors.
- C. <u>Transportation</u> Standard traffic maintenance and protection measures will be implemented to reduce traffic disturbances during construction, but some minor short-term delays are likely in areas where water mains need to be installed within the roadway pavement. There will be, however, no permanent or long-term transportation impacts.
- D. Farmland Waterline construction will pass through farmlands within Monroe County Agricultural District 3. Consequently, construction will be done in accordance with New York State's "Guidelines/Special Permit Conditions for Water/Sewer Transmission Mains Located Partially or Wholly in an Agricultural District." In addition, the lines to be constructed are not local water distribution lines but rather are large underground water transmission lines along property boundaries and without provisions for local house connections. Consequently, after evaluating the project pursuant to the New York State Agriculture and Markets Law, the Commissioner of the New York State Department of Agriculture and Markets determined that the project would not have an unreasonably adverse effect on the continued viability of farm enterprises within the district or on State environmental or comprehensive plans, policies, and objectives. Thus, land use in agricultural areas should not significantly change as a result of this project.
- E. Endangered/Threatened Species The U.S. Fish and Wildlife Service (FWS) was contacted for information on any rare, threatened, or endangered species and/or critical habitat in the project area. In its June 8, 2006 response letter, the FWS determined that, except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or designated critical habitat, are known to exist within the project impact area. Recent followup with the FWS in February 2010 has identified that a federally-listed threatened species, *Clemmys muhlenbergii* (bog turtle), is a potential concern in other areas of Monroe County, but that the species is not known to be located in the project area. Thus, no significant adverse impacts are anticipated.
- F. <u>Cultural Resources</u> The New York State Historic Preservation Officer (NYSHPO) was consulted about the project's potential impacts, pursuant to the National Historic Preservation Act. In a review letter dated September 8, 1995, and updated on August 22, 2006, the NYSHPO determined that the project will have no effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.
- G. <u>Coastal Zone Management</u> The project is consistent with New York State's Coastal Management Plan. In a review letter dated September 21, 2005, the

Division of Coastal Resources, the state's designated coastal zone management agency, reviewed the MCWA's Federal Consistency Assessment Form and determined that the project meets the general consistency concurrence criteria such that further review is not required.

- H. <u>Aesthetics</u> Except for the Lake Water Pumping Station and the Water Treatment Plant, the project's components will not be visible to the public because they will be located underground and/or underwater. The above-ground facilities have been designed to complement the existing landscape. Consequently, no significant visual impacts will result from the project.
- I. <u>Cumulative Impacts</u> Cumulative impacts result from the combined impact of two or more projects on a particular resource such that the environmental impacts are potentially additive.

In this regard, the City of Rochester's water system is planning a three phase program to bring its three uncovered drinking water reservoirs, Highland Reservoir, Rush Reservoir and Cobbs Hill Reservoir, into compliance with the U.S. Environmental Protection Agency's (EPA) Long Term 2 Enhanced Surface Water Protection Rule. The Highland Reservoir is expected to be out of service for approximately nine months in 2010 to install a liner and an emergency dam overflow. Work on the other reservoirs will follow, and is scheduled for completion in 2014.

Although overall service demand will not increase while any particular reservoir is out of service, the remainder of the City of Rochester's water system and the MCWA water network may be called upon to provide the water service formerly provided by the reservoir. However, in light of the overall water systems' capacities compared to the reservoirs' limited water storage volumes, there is no reason to believe that the water supply systems will not continue to perform adequately while construction proceeds on the MCWA's East Side project and the City's reservoir improvements project.

Completion of the East Side project and the reservoir improvements will, however, have the positive cumulative effect of greatly enhancing the robustness, reliability and flexibility of the region's water production, supply and transmission network.

J. <u>Socio-Economic/Environmental Justice Issues</u> -The EPA Region 2 Environmental Justice (EJ) analysis methodology supports *EPA Region 2's Interim Policy for Environmental Justice*. A specific community that is under evaluation for inclusion in the Region's EJ program is referred to as the Community of Concern (COC). The evaluation process hinges on the comparison of the respective levels of the environmental burden, minority representation, and low-income representation between the COC and its statistical reference area.

• <u>Demographic Analysis</u> - EPA's demographic analysis utilizes a Geographic Information System (GIS) to estimate the percent minority and percent poverty for the community of concern and compares them to appropriate statistical reference threshold values (Table 4). Analysis of the project area indicates that minorities compose a maximum of seven percent of the population of the local community (compared to 34.73 percent, the statistical reference value which EPA uses to determine minority areas in rural sections of New York State), and that less than five percent of the population has income that is below the poverty level (compared to 23.59 percent, the percentage that EPA uses to identify low income sections of New York State). Accordingly, the area does not meet the EPA criteria for being classified an Environmental Justice area.

Table 4 – Demographics				
Demographic Indicators:	N.Y. State Threshold	<u>Penfield</u>	<u>Webster</u>	
Percent Minority	34.73	7.02	5.28	
Percent Poverty	23.59	4.78	3.98	

<u>Environmental Burden</u> - The community's existing environmental burden was similarly estimated by EPA through the use of GIS analysis. EPA uses GIS analysis and the concept of an Environmental Load Profile to compare communities' present environmental load to statewide-derived thresholds. To accomplish this, EPA uses the following three indicators: Toxic Release Inventory, Facility Density, and Air Toxics (Table 5). The analysis indicates that numerous facilities subject to the toxic release inventory reporting requirements exist in the two Towns and at a greater density than the State average. However, the area's air toxics cancer and non-cancer indicators are lower than their corresponding New York State Threshold values.

Table 5 – Environmental Burden					
Environmental Load Indicators:	N.Y. State Threshold	<u>Penfield</u>	Webster		
Toxic Release Inventory	5.67	32.47	34.48		
Facility Density	56.00	78.51	56.62		
Air Toxics Cancer	63.55	41.28	43.28		
Air Toxics Non-Cancer	11.30	8.40	8.73		

#### VIII. Coordination of Environmental Review

#### A. Public Participation

Project development, which started in the 1990s, was subject to extensive public involvement, including a state environmental impact statement (EIS) prepared pursuant to the New York State Environmental Quality Review Act (SEQRA). This included: an informational and EIS scoping meeting in July 1995; public and agency comment period on the draft SEQRA EIS from April to July 1996; a public hearing concerning the draft EIS on June 3, 1996; as well as various informational meetings and information published in local newspapers.

More recently, on November 30, 2006, the New York State Department of Environmental Conservation conducted public hearings in the Towns of Penfield and Webster, New York, concerning the various state permits required to implement the proposed project (public water supply, state pollutant discharge elimination system, freshwater wetlands, use and protection of waters, water quality certification, and coastal erosion management).

On July 7, 2008, the NYSDEC issued a public responsiveness summary which evaluated and responded to the comments that were received. The NYSDEC findings were that the project's design avoids, minimizes, or mitigates to the maximum extent practicable, adverse environmental impacts. Further, the NYSDEC determined that there were no significant issues remaining which would preclude its approval of the permits requested by the MCWA. The NYSDEC's Responsiveness Summary and Findings Statement are included in Appendix A.

On May 8, 2009, the U.S. Army Corps of Engineers (Corps) issued a Public Notice that it was soliciting comments from all parties concerning the project's Application for Permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The comment period closed on June 8, 2009. After considering the comments it received, the Corps issued its permit (see Appendix E) for the project on December 7, 2009.

B. <u>Tribal Notifications</u> - Notification letters regarding the project were sent from EPA to the Tuscarora Nation, the Tonawanda Band of Senecas, the Seneca Nation of Indians, and the Haudenosaunee Environmental Task Force, on May 23, 2005 and April 17, 2006. In addition, on June 1, 2005, EPA sent a letter to the MCWA which encouraged communication and cooperation between the MCWA and the federally-recognized Indian Nations and Tribes.

# C. Federal, State, and Local Agencies Notified/Consulted

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- · U.S. Coast Guard

- Natural Resources Conservation Service
- New York State Department of Environmental Conservation Division of Fish, Wildlife and Marine Resources, Natural Heritage Program
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Department of Agriculture and Markets
- Farm Bureau of New York
- New York State Department of Health
- New York State Department of State Coastal Management Program
- New York State Department of Transportation
- Monroe County Department of Transportation
- Monroe County Planning Department
- Monroe County Health Department
- Monroe County Engineering Department
- Town of Webster various offices
- Town of Penfield various offices

#### IX. Significant Correspondence

- A. Letter from New York State Department of Health, Bureau of Water Supply Protection, June 9, 2005
- B. Letter from New York State Department of State, Division of Coastal Resources, September 21, 2005
- C. Letters from New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau, September 8, 1995 and August 22, 2006
- D. Letter from New York State Department of Agriculture and Markets, January 17, 1997
- E. Letter from U.S. Fish and Wildlife Service, Cortland Field Office, June 8, 2006
- F. Letter from EPA Region 2 to U.S. Army Corps of Engineers, June 8, 2009
- G. Letter from New York State Governor David A. Paterson, December 14, 2009

#### X. Reference Documents

- A. National Environmental Protection [sic] Act, Environmental Information Narrative Document submitted to EPA by Monroe County Water Authority, June 3, 2005
- B. Draft and Final Environmental Impact Statements and Findings Document pursuant to the New York State Environmental Quality Review Act (SEQRA), for the East Side Water Supply Project; prepared for the Monroe County Water Authority by O'Brien and Gere Engineers, Inc., April 1996 and December 1996
- C. Joint Application for State and Federal Wetlands Permits for the East Side Water Supply Project; prepared for the Monroe County Water Authority by Clark Patterson Associates, June 2005
- D. SPDES Permit Application for the East Side Water Supply Project; prepared for the Monroe County Water Authority by Clark Patterson Associates, June 2005

- E. Water Supply Application, Basis of Design Report, Engineering Report, and Contract Plans for the East Side Water Supply Project; prepared for the Monroe County Water Authority by Clark Patterson Associates, October 2005
- F. Application for Approval of Plans for a Wastewater Disposal System for the East Side Water Supply Project; prepared for the Monroe County Water Authority by Clark Patterson Associates, December 2005
- G. Responsiveness Summary concerning various state permits for the East Side Water Supply Project; John L. Cole, Deputy Regional Permit Administrator, New York State Department of Environmental Conservation, July 7, 2008

#### XI. Appendices

- A. New York State Department of Environmental Conservation Findings Statement and Responsiveness Summary for the East Side Water Supply Project, John L. Cole, Deputy Regional Permit Administrator, July 7, 2008
- B. New York State Department of Environmental Conservation Water Supply Permit No. 8-2699-00097/00002, effective date: July 7, 2008
- C. New York State Department of Environmental Conservation State Pollutant Discharge Elimination System Discharge Permit No. NY-0247367, effective date: August 1, 2008
- D. New York State Department of Environmental Conservation Construction Permit Authorizations for Excavation and Fill, Freshwater Wetlands, Stream Disturbance, Coastal Erosion Management, and Water Quality Certification (Nos. 8-2699-097/00006, 000013, 000014, 000015, 000016), effective date: July 7, 2008
- E. Department of the Army Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act Permit No. 2005-01765, effective date: December 7, 2009

Perms #13

700

11.76 MB



# Monroe County Water Authority, NY (Grant No. XP972710-05) End of FNSI/EA comment period

William Lawler to: John Mello

Cc: Steve Ferreira, John Filippelli, Grace Musumeci

04/16/2010 07:12 AM

John Mello, No comments were received during the official comment period on the FNSI. So you may now proceed.

William Lawler Environmental Review Section Region 2 212-637-372 8 C

John Mello/R2/USEPA/US 02/01/2010 10:04 AM

To Wiiliam Lawler/R2/USEPA/US@EPA

CC

bcc

Subject Monroe Co. WA (XP972710-05) FNSI/EA numbers ........

Bill:

EPA Grant No.:

XP972710-05

Total Project Cost: \$ 150,000,000

Estimated Eligible

Project Costs:

\$ 41,873,450

Projected 55% EPA Grant: \$5,760,500

Found a typo on page 9, second line from top of page; ..... Water Treatment Plant.

and, page 11, Paragraph C., third line, ....water mains need .....

Good job!!

× ...

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#### STATE OF NEW YORK

#### **EXECUTIVE CHAMBER**

**ALBANY 12224** 

DAVID A. PATERSON GOVERNOR

December 14, 2009

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Ms. Jackson:

Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) ("ARRA"), and the September 1, 2009 Grant Agreement from the U.S. Environmental Protection Agency to the New York State Department of Health (the "Grant Agreement"), I hereby certify that the infrastructure investment involving the Monroe County Water Authority listed in the Attachment to this certification, which will be funded with amounts made available by ARRA under the heading "Drinking Water State Revolving Fund" to the Environmental Protection Agency, has received the full review and vetting required by law. I accept responsibility that such investment is an appropriate use of taxpayer dollars. I further certify that the specific information required by ARRA § 1511 and the Grant Agreement concerning such investment (a description of the investment, the estimated total cost, and the amount of ARRA funds to be used) is summarized within the Drinking Water State Revolving Fund link to be posted on the public website at <a href="http://www.recovery.ny.gov">http://www.recovery.ny.gov</a>, and linked to <a href="http://www.recovery.gov">www.Recovery.gov</a>.

Very truly yours,

David A. Paterson

David A. Paterson

Governor

Attachment

c: Commissioner Richard F. Daines, M.D.

### **ATTACHMENT**

• Monroe County Water Authority, Monroe County – Total project cost of \$35,500,000, all of which is being financed through the Drinking Water SRF program. The Authority is eligible for up to \$17,750,000 in ARRA principal forgiveness. This project involves the design and construction of certain components of the Monroe County Water Authority's Eastside Water Treatment Plant and will include a raw water intake tunnel and a portion of the transmission mains and appurtenances. The Eastside Water Treatment Plant will be a fifty million gallon per day water treatment plant located in the Town of Webster and will draw water from Lake Ontario. The Authority will own, operate and maintain the treatment plant and transmission mains.

The contract execution schedule for this project is as follows:

### Transmission Main (Sweet Corners)

- Submit Plans and Specifications	8/29/09
- Advertise for Bids	10/8/09
- Open Bids	11/17/09
- Award Bids	12/10/09
- Execute Contracts	12/20/09
- Construction Completion	2/24/11

### Transmission Main (Salt Rd.)

- Submit Plans and Specifications		8/29/09
- Advertise for Bids	1 07	9/22/09
- Open Bids		11/9/09
- Award Bids		12/10/09
- Execute Contracts		12/20/09
- Construction Completion		9/20/10

#### Tunnel

- Submit Plans and Specifications	8/19/09
- Advertise for Bids	9/25/09
- Open Bids	11/13/09
- Award Bids	12/10/09
- Execute Contracts	12/20/09
- Construction Completion	12/20/11

### RG&E Electric Service\*

- Submit Plans and Specifications	N/A
- Advertise for Bids	N/A
- Open Bids	N/A
- Award Bids	7/9/09
- Execute Contracts	7/10/09
- Construction Completion	3/1/10

#### Wetland Mitigation

- Submit Plans and Specifications	10/20/09
- Advertise for Bids	10/9/09
- Open Bids	11/9/09
- Award Bids	12/10/09
- Execute Contracts	12/20/09
- Construction Completion	11/15/10

#### Intake Screens

- Submit Plans and Specifications	10/12/09
- Advertise for Bids	10/13/09
- Open Bids	11/13/09
- Award Bids	12/10/09
- Execute Contracts	12/20/09
- Construction Completion	11/15/10

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Health (DOH) and the US Environmental Protection Agency (EPA), an environmental review in accordance with the State Environmental Review Process (SERP, a NEPA-like review agreed to in the operating agreement) is undertaken with respect to each action or project financed. The Corporation has determined that proposed financing will finance the construction of a project that may have a significant adverse effect on the environment. However, the Monroe County Water Authority, acting as lead agency, has determined that the adverse environmental impacts revealed in the Final EIS will be minimized or avoided to the maximum extent practicable and DOH has certified that this project is in compliance with the SERP.

Resolutions/Agreements — The project was authorized pursuant to a Trust Indenture adopted by Authority on October 1, 1991 and a Supplemental Trust Indenture adopted by the Authority on December 1, 2009 for the purpose of constructing the project. These indentures authorized the issuance of bonds or notes totaling \$35,500,000 for this purpose. Financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Monroe County Water Authority.

Disadvantaged Business Enterprises/Minority/Women's Business Enterprises (MWBE) – the fair share objectives are negotiated with the US Environmental Protection Agency using the guidance provided in 40 CFR, Part 33, Subpart D, and set forth in the Grant Agreement. The MWBE fair share goals are as follows:

MBE goal:

construction contracts - 6 %

service contracts- 8.8 %

WBE goal:

construction contracts – 6 %

service contracts - 8.8 %

<sup>\*</sup> Work to be performed by regional utility supplier.

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### DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS 1776 NIAGARA STREET BUFFALO, NEW YORK 14207-3199

REPLY TO

December 7, 2009

Regulatory Branch

SUBJECT: Transmittal of Validated Department of the Army Permit No. 2005-01765

Richard J. Metzger, P.E. Executive Engineer Monroe County Water Authority 475 Norris Drive Rochester, NY 14610-0999

Dear Mr. Metzger:

This letter concerns your application for a Department of the Army permit to construct the East Side Water Supply Project, located in the Towns of Webster and Penfield, Monroe County, New York.

Enclosed is the validated Department of the Army permit which you have accepted the terms and conditions thereof.

Please note that our office must be informed of the commencement and completion of the authorized work. Forms for this purpose are enclosed. Also enclosed is a laminated first page of the permit describing the proposed work which must be conspicuously displayed at the site of work.

Revised plans must be submitted to our office if material changes in the location or plans of the work are necessary because of unforeseen or altered conditions, or otherwise. These revised plans must receive the approval required by law before construction is started.

Questions pertaining to this matter should be directed to Joseph W. Krawczyk, who may be contacted by calling (716) 879-4186, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: <a href="mailto:joseph.w.krawczyk@usace.army.mil">joseph.w.krawczyk@usace.army.mil</a>

Sincerely,

Diane C. Kozlowski

Chief, Regulatory Branch

**Enclosures** 



#### **DEPARTMENT OF THE ARMY**

BUFFALO DISTRICT, CORPS OF ENGINEERS 1776 NIAGARA STREET BUFFALO NY 14207-3199

REPLY TO ATTENTION OF:

PERMITTEE:

MONROE COUNTY WATER AUTHORITY

PERMIT NUMBER:

2005-01765

**EFFECTIVE DATE:** 

**DECEMBER 7, 2009** 

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. (and continued on page 5)

PROJECT DESCRIPTION: MONROE COUNTY WATER AUTHORITY, 475 NORRIS DRIVE ROCHESTER, NY 14610-0999, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: 1) PLACE A WATER INTAKE CRIB AND DIFFUSER STRUCTURE - AND ASSOCIATED RIP-RAP PROTECTION FOR BOTH -ON THE BED OF LAKE ONTARIO; 2) TO PERMANENTLY IMPACT APPROXIMATELY 3.80 ACRES OF FEDERAL WETLAND; 3) TO TEMPORARILY IMPACT APPROXIMATELY 4.73 ACRES OF FEDERAL WETLAND; AND 4) TO TEMPORARILY IMPACT APPROXIMATELY 95 FEET OF STREAM. ALL IMPACTS ARE IN ASSOCIATION WITH THE CONSTRUCTION OF THE EAST SIDE WATER SUPPLY PROJECT, WHICH INVOLVES THE CONSTRUCTION OF A LAKE WATER PUMPING STATION, A WATER TREATMENT PLANT, AND THE INSTALLATION OF APPROXIMATELY 41,225 LINEAR FEET OF WATER TRASMISSION LINE. ALL PROJECT IMPACTS ARE IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

PROJECT LOCATIONS: THE PROJECT IS LOCATED IN THE TOWNS OF WEBSTER AND PENFIELD, MONROE COUNTY, NEW YORK.

## **PERMIT CONDITIONS**

### **GENERAL CONDITIONS:**

- 1. The time limit for completing the work authorized ends on **December 7, 2012**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
- 7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

#### **FURTHER INFORMATION:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

## Section 10 of the Rivers and Harbors Act of 1899. Section 404 of the Clean Water Act (33 U.S.C. 1344)

- 2. Limits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.

- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.
(PERMITTEE)
(DATE)
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.  Army, has signed below.
Daniel B. Snead, Lieutenant Colonel, Corps of Engineers (DISTRICT COMMANDER)
(DATE)
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of this signed permit and statement shall be forwarded to the Buffalo District at the following address:
U.S. Army Corps of Engineers
Buffalo District Regulatory Branch
1776 Niagara Street
Buffalo, New York 14207
(TRANSFEREE)
(DATE)



# DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS 1776 NIAGARA STREET BUFFALO NY 14207-3199

REPLY TO ATTENTION OF:

PERMITTEE:

MONROE COUNTY WATER AUTHORITY

PERMIT NUMBER:

2005-01765

EFFECTIVE DATE:

DECEMBER 7, 2009

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. (and continued on page 5)

PROJECT DESCRIPTION: MONROE COUNTY WATER AUTHORITY, 475 NORRIS DRIVE ROCHESTER, NY 14610-0999, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: 1) PLACE A WATER INTAKE CRIB AND DIFFUSER STRUCTURE - AND ASSOCIATED RIP-RAP PROTECTION FOR BOTH -ON THE BED OF LAKE ONTARIO; 2) TO PERMANENTLY IMPACT APPROXIMATELY 3.80 ACRES OF FEDERAL WETLAND; 3) TO TEMPORARILY IMPACT APPROXIMATELY 4.73 ACRES OF FEDERAL WETLAND; AND 4) TO TEMPORARILY IMPACT APPROXIMATELY 95 FEET OF STREAM. ALL IMPACTS ARE IN ASSOCIATION WITH THE CONSTRUCTION OF THE EAST SIDE WATER SUPPLY PROJECT, WHICH INVOLVES THE CONSTRUCTION OF A LAKE WATER PUMPING STATION, A WATER TREATMENT PLANT, AND THE INSTALLATION OF APPROXIMATELY 41,225 LINEAR FEET OF WATER TRASMISSION LINE. ALL PROJECT IMPACTS ARE IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

PROJECT LOCATIONS: THE PROJECT IS LOCATED IN THE TOWNS OF WEBSTER AND PENFIELD, MONROE COUNTY, NEW YORK.

# **IMPORTANT**

This form must be completed and mailed to the District Commander <u>prior to commencement</u> of any work authorized by Department of the Army Permit No. 2005-01765.

Date:

Towns of Webster and Penfield Monroe County New York

Mr. David Leput J.S. Army Corps of Engineers 776 Niagara Street Buffalo, New York 14207
Dear Mr. Leput:
You are hereby notified that the work authorized under Department of the Army Permit No. 2005-01765 ssued to Monroe County Water Authority, to: a) place a water intake crib and diffuser structure - and associated rip-rap protection for both - on the bed of lake Ontario; b) to permanently impact approximately 3.8 acres of federal wetland; c) to temporarily impact approximately 4.73 acres of federal wetland; and d) to emporarily impact approximately 95 feet of stream; for the construction of the East Side Water Supply Project, will be started on or about (Month/Day/Year)
The first work to be undertaken is as follows:
In commencing the work, I accept and agree to comply with the terms and conditions of the permit.

(Title)

Date:

Permittee Telephone Number:

(Authorized Signature)

By:

File Closed: December 7, 2009

## **IMPORTANT**

This form must be completed and mailed to the District Commander <u>Immediately upon Completion</u> of work authorized by Department of the Army Permit No. 2005-01765.

Date:
Towns of Webster and Penfield
Monroe County
New York

Mr. David Leput Regulatory Branch U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207

Dear Mr. Leput:

perm appro of str	You are hereby notified that the work authorized under Department of the Army Permit -01765 issued to Monroe County Water Authority, to: a) place a water intake crib and ser structure - and associated rip-rap protection for both - on the bed of lake Ontario; b) to anently impact approximately 3.80 acres of federal wetland; c) to temporarily impact eximately 4.73 acres of federal wetland; and d) to temporarily impact approximately 95 fee ream; for the construction of the East Side Water Supply Project, was pleted/discontinued) on (Month/Day/Year).
If Dis	scontinued:
	work is percent complete. The following remains to be done before all work prized by this permit shall have been completed:
	Parent modern op de en actività a premior den los parents de en seus en esta espera en ale qualitad i de è altre aggistes in analytica galitad, bus agus de agas a-vece salt en adalem
Ву:	(Authorized Signature) Date:
	ittee Telephone Number: Closed: December 7, 2009

## **SPECIAL CONDITIONS:**

- 1. You are responsible for ensuring that all contractors and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period that the authorized work is underway. You shall also inform all contractors of liabilities associated with non-compliance of this permit.
- 2. The Water Quality Certification issued for this project by the State of New York is hereby part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.
- 3. This permit was issued on your certification that the project is consistent with the New York Coastal Zone Management Plan. The New York State Department of State concurs with your certification provided you comply with any special conditions imposed by that agency. Noncompliance with the conditions may be a basis for suspension, revocation or modification of this permit.
- 4. Should human remains be encountered during any phase of the proposed project, such person or persons encountering the human remains shall immediately cease work and will make a reasonable effort to refrain from disturbing or removing the human remains, protect the exposed portions of the human remains from inclement weather and vandalism, and immediately notify the applicant. The applicant will immediately notify the U.S. Army Corps of Engineers and the New York State Historic Preservation Office. If the human remains are not subject to a criminal investigation by local, state, or Federal authorities, the New York State Historic Preservations Office's Policy Statement on Treatment of Human Remains (1977) will be used as guidance.
- 5. Should any permitted structure (i.e., the Lake Water Intake Crib and Diffuser), including supporting members, fall into a state of disrepair and/or non-use, the structure and supporting members shall be removed in their entirety and the lake or bay bottom shall be restored to its original condition. Notification to the U.S. Army Corps of Engineers shall be made prior to removing the structure.
- No in-water work shall be performed between March 15 and July 1 to preclude adverse impacts on the spawning, nursery, and feeding activities of indigenous fish species in Lake Ontario.
- 7. Construction debris shall be kept from entering waterways or wetlands, and shall be removed immediately should any such debris enter into the waterways or wetlands.
- 8. The movement of equipment within all wetland areas shall be limited to the minimum amount necessary to accomplish the work authorized herein and all precautions shall be taken to preclude the contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious substance associated with the project.

- 9. During construction, erosion control devices such as hay bales or filter fabric fence shall be used to prevent erosion of the dredged material or disturbed soil. The hay bales or filter fabric fences shall be installed in accordance with appropriate construction techniques, including placing the hay bales and filter fabric fences in a shallow trenches, backfilling the toes of the filter fabric fences and securing the hay bales with stakes.
- 10. For all utility line stream crossings authorized in this permit: filter fabric or a similar type turbidity control device that is in accordance with USDA NRCS National Conservation Practice Standards shall be placed upstream and downstream of the construction area and shall remain in place and in working condition during all excavation and restoration operations.
- 11. For all utility line stream crossings authorized in this permit: All water in the streams shall be immediately returned to the downstream portion of the project area so that sufficient flow of water is maintained at all times to sustain aquatic life downstream. Water shall be diffused at the pump outlet. All temporary diffusing material shall be removed upon completion of the project.
- 12. All fills created by all discharges shall be stabilized and maintained to prevent erosion and the discharge of other non-point sources of pollution into any waters of the U.S.
- 13. Prior to the discharge of any dredged or fill material into wetlands or other waters of the U.S. authorized by this permit, the permittee shall install and maintain erosion and sedimentation control barriers in and/or adjacent to wetlands or other waters of the United States which are not immediately scheduled to be filled and/or authorized to be filled. All erosion and sedimentation control barriers shall be checked periodically to ensure that they are not damaged. Repairs to damaged erosion and sedimentation control barriers shall be completed promptly, and barriers shall remain in place until the site is stabilized by the re-growth of suitable vegetation
- 14. The permittee shall ensure that all erosion control devices proposed for temporary use during construction are completely removed and properly disposed of immediately after the site has stabilized.
- 15. Anti-seep collars or check dams shall be installed every 200 feet along the utility lines located in wetland areas to prevent water from migrating out of the wetlands. One or more anti-seep collars shall also be installed inside each wetland within 10 feet of each wetland border.
- 16. Following the installation of utility lines, geographic contour elevations in the affected areas shall be restored to pre-construction contour elevations. Additionally, portions of the transmission line Right-of-Way, within delineated wetland boundaries, where individual trees are not salvaged, shall be planted with individual size #3 specimens of the following species obtained from RPM Ecosystems, LLC or an approved equal:
  - a. Eastern cottonwood (Populus deltoides)
  - b. Red maple (Acer rubrum)
  - c. Silver maple (Acer saccharinum)

Specimens shall be planted at a density of 25 per acre. Equal numbers of each species shall be planted randomly throughout the ROW to obtain a total density of 25 trees per acre. Trees shall be offset from the pipeline a minimum of 10-ft from the centerline. Individual trees shall be planted in accordance with the "tree planting instructions" provided by RPM Ecosystems, LLC. Note that green ash has not been proposed in anticipation of the appearance of the emerald ash borer.

- 17. The permittee shall assume responsibility for complying with all Special Conditions. If the reports required under these conditions are not submitted by the dates specified herin, the permittee shall pay stipulated penalties in the amount of \$50 per day for each day past the submittal due dates unless a written time extension is approved by the Corps of Engineers. All requests for time extensions should be addressed to: Harold T. Keppner Chief, Monitoring & Enforcement Section; U.S. Army Corps of Engineers Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199. Such funds shall be submitted by check and made payable to "The Finance and Accounting Officer," and forwarded directly to the Office of Counsel, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207-3199.
- 18. As mitigation to compensate for unavoidable and permanent impacts to 3.80 acres of wetland, the permittee shall create, at a minimum, 9.28 acres of wetland comprised of 2.18 acres of emergent wetland; 3.74 acres of scrub-shrub wetland, and 3.36 acres of forested wetland at the proposed Lake Water Pumping Station Site (LWPS) and the Water Treatment Plant Site (WPS) (attached sheets 23 through 50 of 56). The mitigation areas must be constructed in accordance with the attached drawings as well as any permit conditions.
- 19. The mitigation plan entitled "Compensatory Mitigation Plan East Side Water Supply Project" for the Monroe County Water Authority and dated July 2009, is hereby incorporated into and made part of the permit as Appendix A. The permittee shall implement the mitigation in accordance with the plan and any permit conditions.
- 20. Protective real estate covenants shall be placed on the compensatory wetlands mitigation areas to guarantee their preservation for wetland and wildlife resources. The covenants shall specifically state that the mitigation areas are not to be adversely impacted. A certified copy of the recorded covenants shall be provided to Mr. Joseph W. Krawczyk, Biologist, New York Application and Evaluation Section; U.S. Army Corps of Engineers Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199 within one week of recordation.

The protective covenants shall identify the following:

- a. The protective covenants shall be identified on the plot plan and provided to all future owners of the property.
- b. The protective covenants shall state that the remaining waters on-site are protected for aquatic resources, wildlife, open space, and flood protection.
- c. The protective covenants shall have a statement addressed to a judge or magistrate should there be an attempt to remove the protective covenants in the future. This statement shall require the judge to coordinate with the Corps of Engineers prior

- to a negative declaration or abolishment of an instrument. To this end, if protective covenants are to be abolished, the document shall direct the judge on the course of action in which to do this.
- d. The permittee is required to clearly identify on the plot plan for the subject property (as shown on enclosed sheets 23 through 50 of 56) the boundaries of the areas to be protected by protective covenants. The plot plan shall also clearly identify the requirements to contact the U.S. Army Corps of Engineers prior to performing any work that encroaches into these areas.
- 21. All reports required under this permit shall be submitted to the attention of: Harold T. Keppner Chief, Monitoring & Enforcement Section; U.S. Army Corps of Engineers Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199), U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199 unless otherwise specified.
- 22. A baseline report shall be forwarded to this office (to the attention of: Harold T. Keppner Chief, Monitoring & Enforcement Section; U.S. Army Corps of Engineers Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199), by December 31, 2010, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:
  - a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals.
  - b. Photographs from fixed locations with a photo-location map.
  - c. A list of plants introduced through seeding and/or planting.
  - d. Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.
  - e. A list of any modifications that were made from the original mitigation plan.
- 23. Annual monitoring and/or compliance reports for the mitigation project must be submitted to this office (to the attention of: Harold T. Keppner Chief, Monitoring & Enforcement Section; U.S. Army Corps of Engineers Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199) for the first five years following completion of the mitigation construction based upon data collected during each monitored year between June and October. The first annual report is due by December 31, 2011, or by an approved extension date. Subsequent reports must be submitted by December 31 of the subsequent four years (2012, 2013, 2014, and 2015), or by an approved extension date. This requirement may be waived for years 3 and 4 if, after the first two growing seasons, the mitigation is shown to meet the requirements for successful mitigation.

# These reports shall include:

- a. Comparison of site conditions to an as-built survey.
- b. Photographs from fixed locations with a photo location reference map.
- c. Plant species list with the following information:
  - i. USFWS Wetland Indicator Status and strata.
  - ii. Dominant plants and percent cover.

iii. Plants introduced through seeding or planting.

d. Water depth and date of measurement from representative locations within the mitigation area during the growing season. The sample points will be fixed locations and shall be plotted on a map.

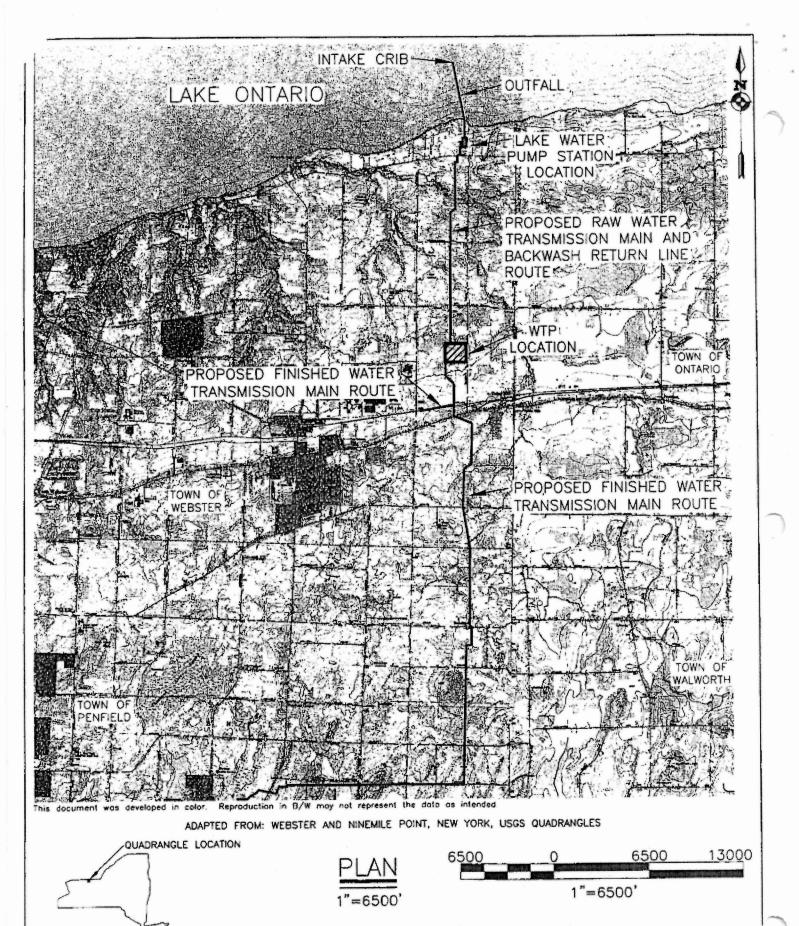
e. Fish and wildlife observations at the mitigation site.

f. Summary statement regarding the perceived success of the wetland creation project. The report will evaluate the goals as set forth in the permit or mitigation and monitoring plan as well as current wetland functions. These reports must also address any potential problem areas and include suggestions and timetable for correction if it is anticipated that projected goals may not be met.

g. Date of field inspection.

- 24. The permittee shall begin construction of the mitigation area prior to or concurrent with the filling authorized by this permit, and shall be completed by November 15, 2010, or by an approved extension date.
- 25. The wetland created shall meet the vegetative and hydrology requirements specified in the 1987 Corps of Engineers Wetland Delineation Manual.
- 26. No more than 5% areal cover shall be vegetated with the following species: Lythrum salicaria, Phalaris arundinacea, Phragmites australis, Rhamnus spp., Typha angustifolia and Typha x glauca. Corrective measures shall be implemented to preclude the growth of the above listed species throughout the 5 year monitoring period should they appear within the wetland mitigation areas.
- 27. The mitigation area shall be vegetated with a minimum of 80% areal cover of hydrophytic vegetation, with no more than 50% of one species.
- 28. At least 50% of the dominant vegetation shall have a wetland indicator status of FACW or wetter, with at least one OBL species.
- 29. The permittee assumes all liability for accomplishing corrective work. Should the District Engineer determine the compensatory mitigation to be unsuccessful the permittee will be required to undertake additional mitigative measures. These actions may include, but are not limited to on-site corrective actions including regrading or replanting.
- 30. There shall be no filling, excavating, dredging, mining or drilling, use of ATVs or other recreational motorized vehicles, removal of topsoil, sand, gravel, rock, minerals, or other materials, nor any building of roads or change in topography of the land in any manner with the exception of the maintenance of small foot trails within the mitigation area. There shall be no construction or placement of buildings, camping accommodations or mobile homes, fences, signs, billboards or other advertising material, or other structures within the limits of the mitigation area. There shall be no removal, destruction, or cutting of vegetation, spraying with herbicides, grazing of domestic animals, or disturbance or manipulation of the mitigation area without first obtaining Department of the Army authorization. Control of nuisance vegetation, or any other manipulation within the mitigation areas, shall only occur after Corps of Engineers concurrence that such management practices are necessary to ensure the long-term success of the mitigation program.

- 31. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee shall allow access to the project site and all mitigation parcels to determine compliance with the conditions of this permit.
- 32. You shall maintain the mitigation areas required by this permit in good condition as required by the conditions of this permit. You are not relieved of this requirement if you sell or transfer this property to new ownership. You may transfer this responsibility to a third party upon approval by this Office. Should you wish to cease to maintain the authorized activity/required mitigation or make a good faith transfer, you must obtain a modification of this permit or other written permission from this Office.
- 33. Should the need arise for any future work, not authorized by this permit, and which would involve an impact to a water of the United States or a Special Aquatic Site, you must first contact this office, regarding Department of the Army permitting requirements, prior to commencing such work.



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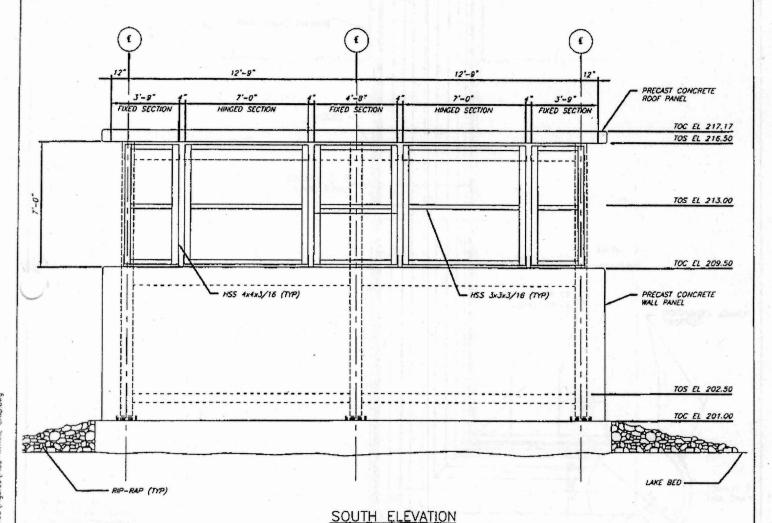
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PROJ. #: 43773

PROJECT LOCATION

MONROE COUNTY WATER AUTHORITY

EAST SIDE WATER SUPPLY PROJECT
TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY



Monroe County Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 2 of 56



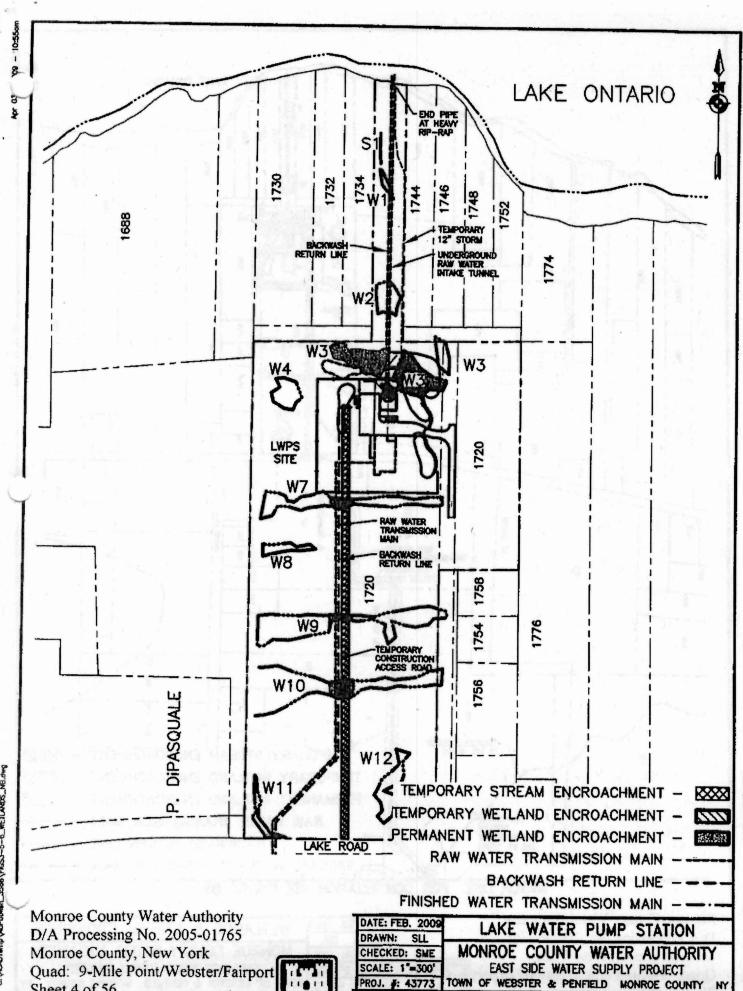
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MONROE COUNTY WATER AUTHORITY EAST SIDE WATER SUPPLY PROJECT

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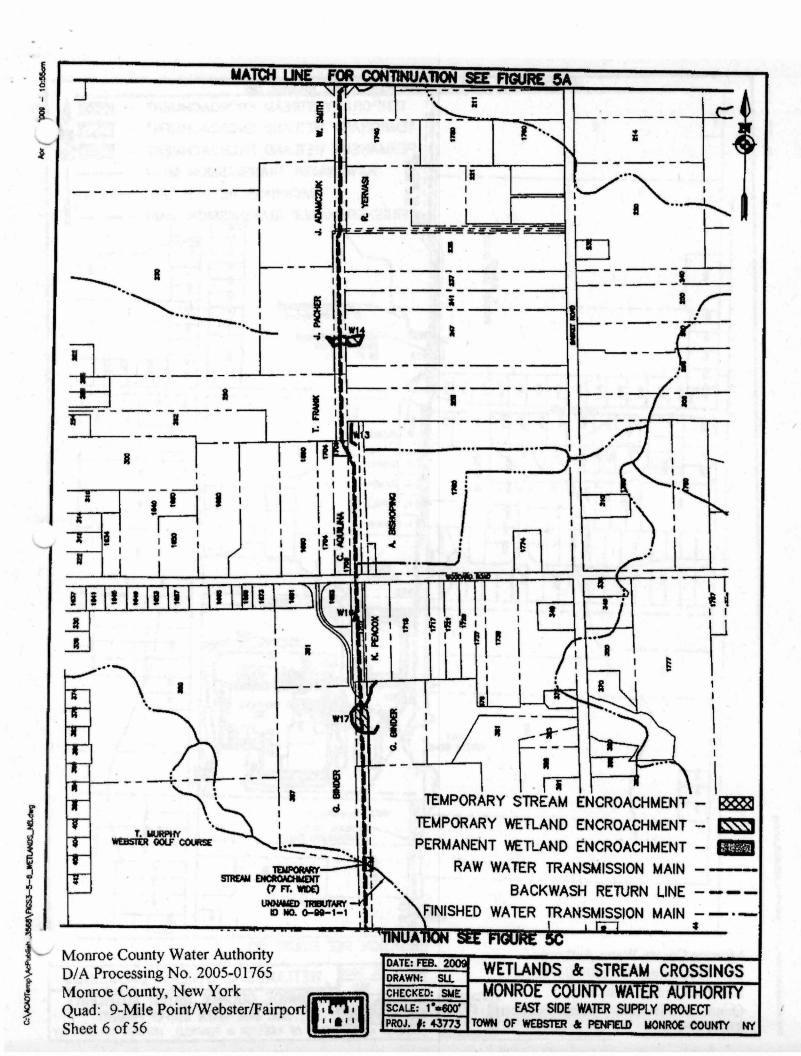


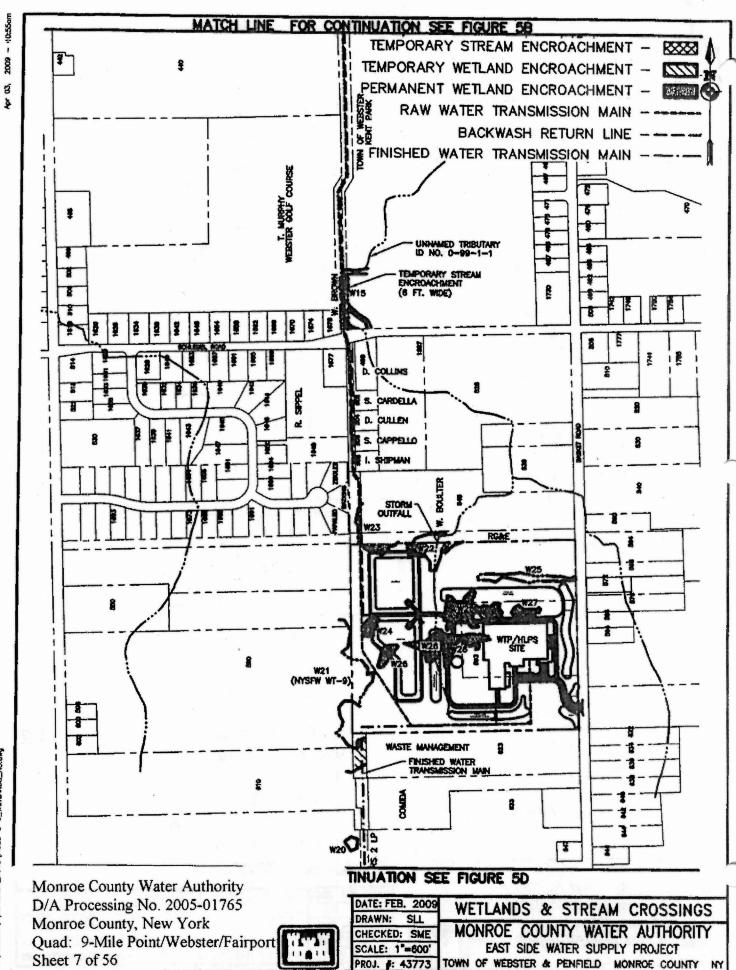
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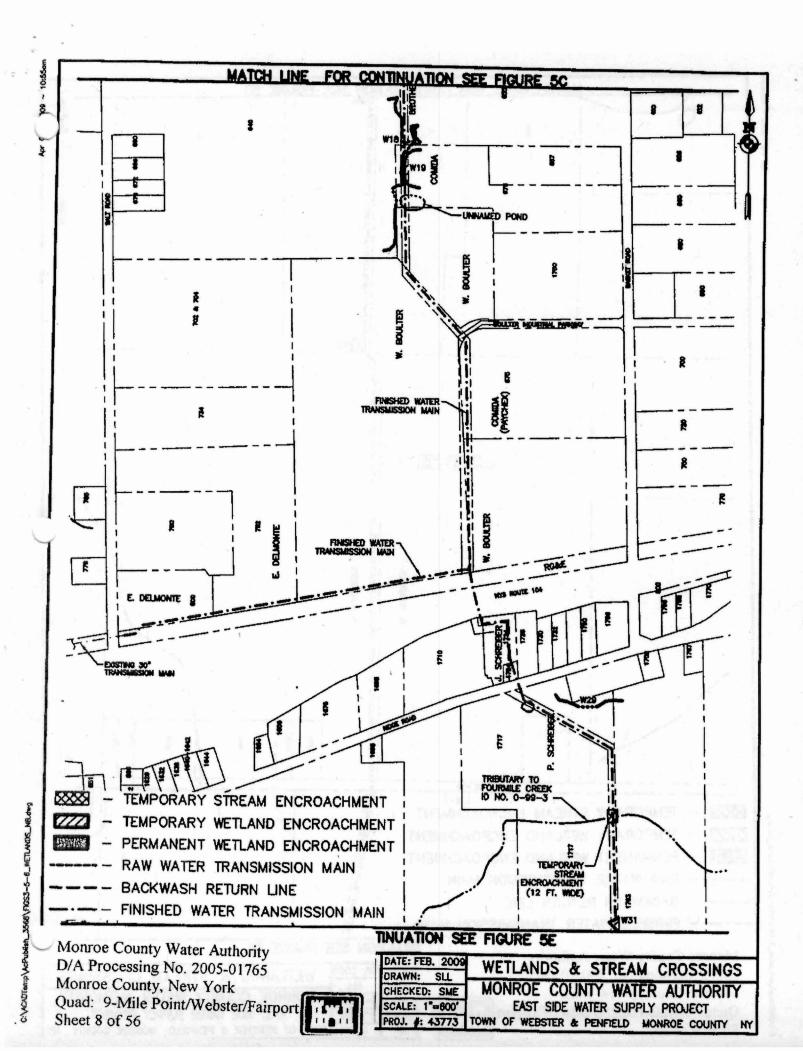


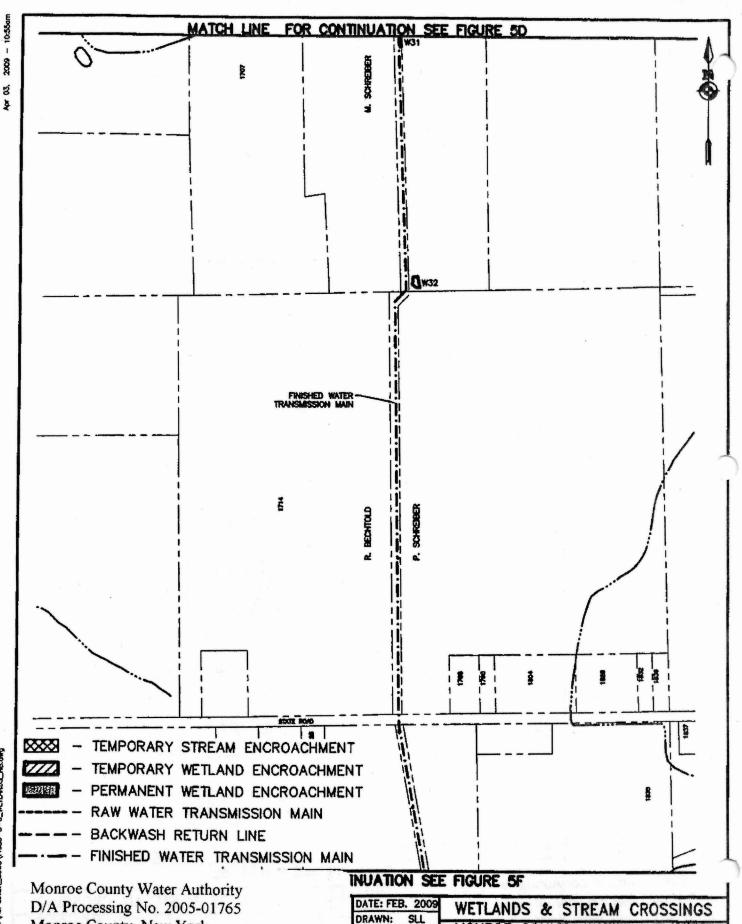
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SCALE: 1"=600"

PROJ. #: 43773

MONROE COUNTY WATER AUTHORITY

EAST SIDE WATER SUPPLY PROJECT

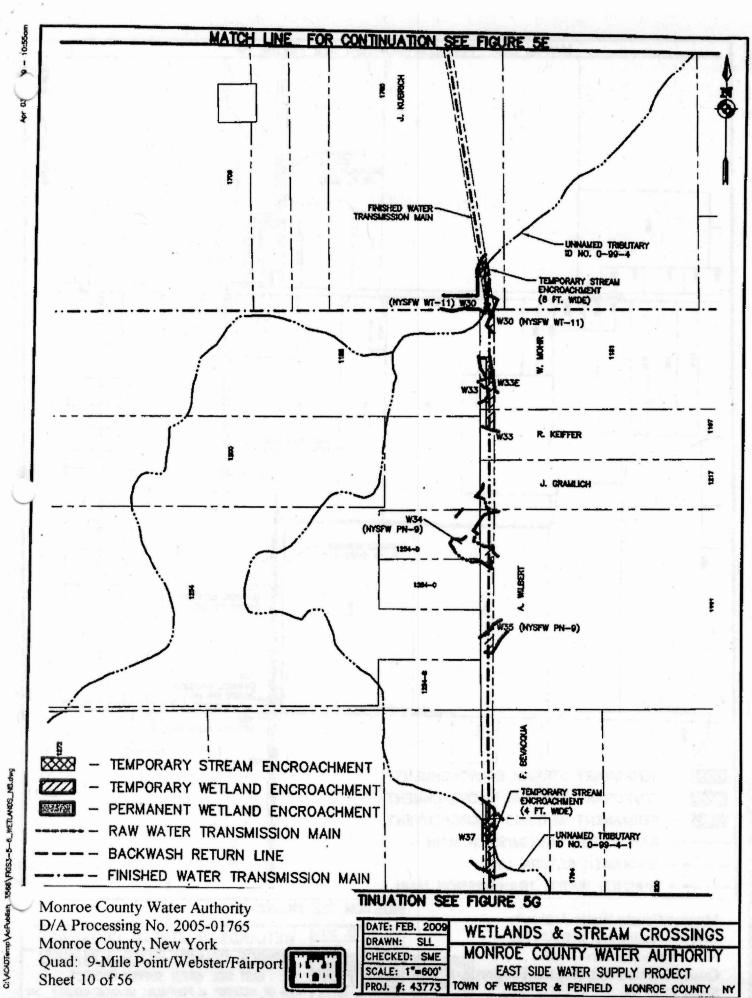
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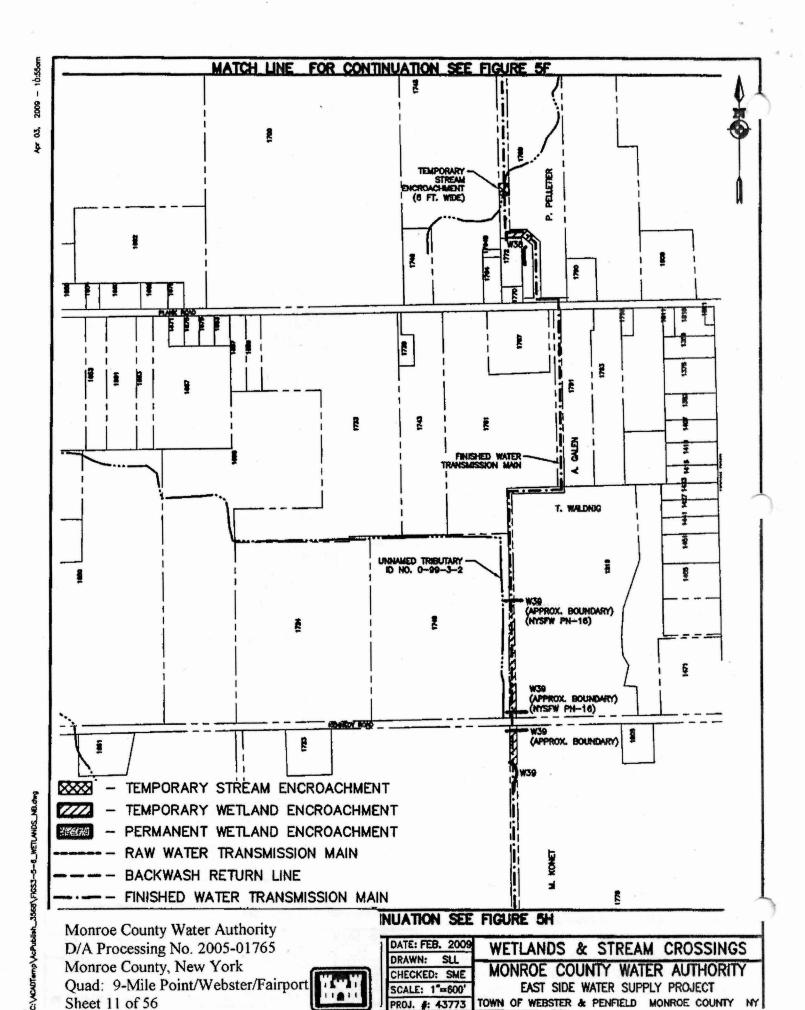
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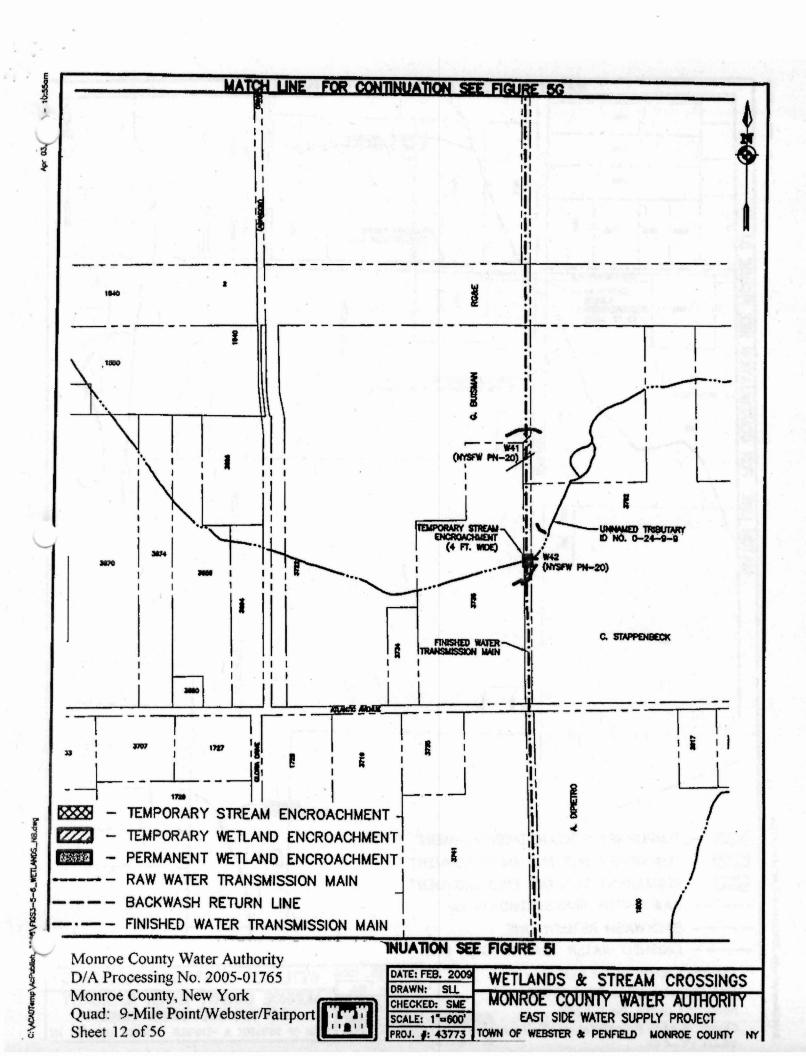


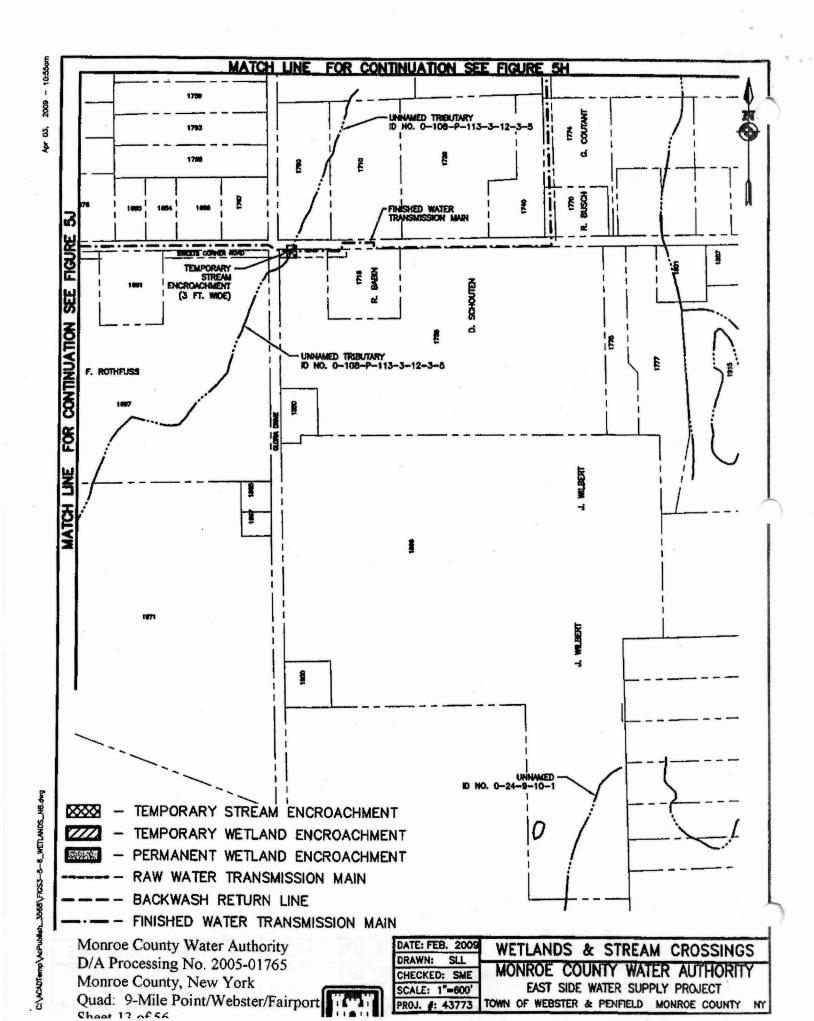
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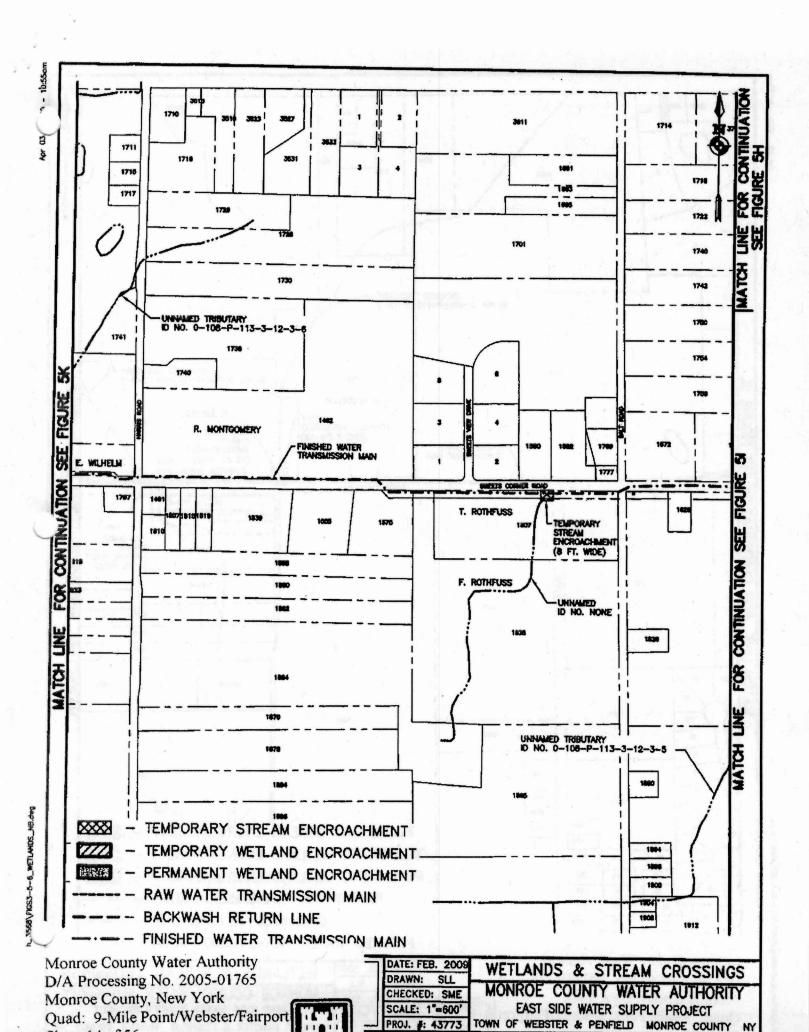


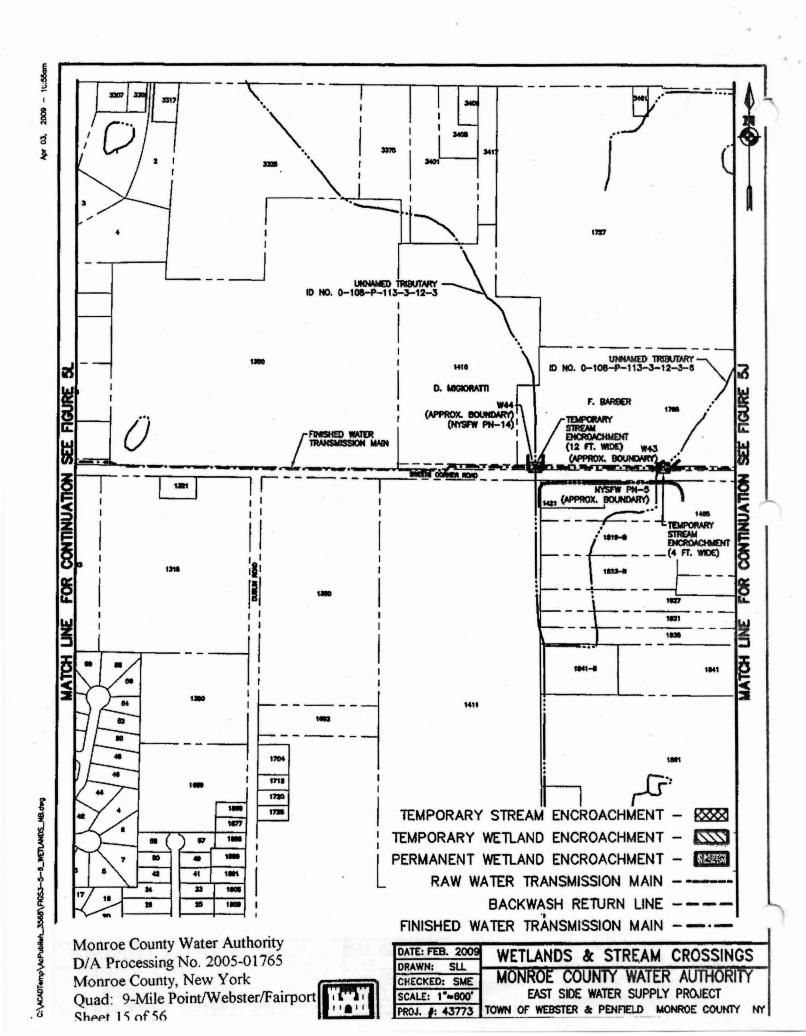
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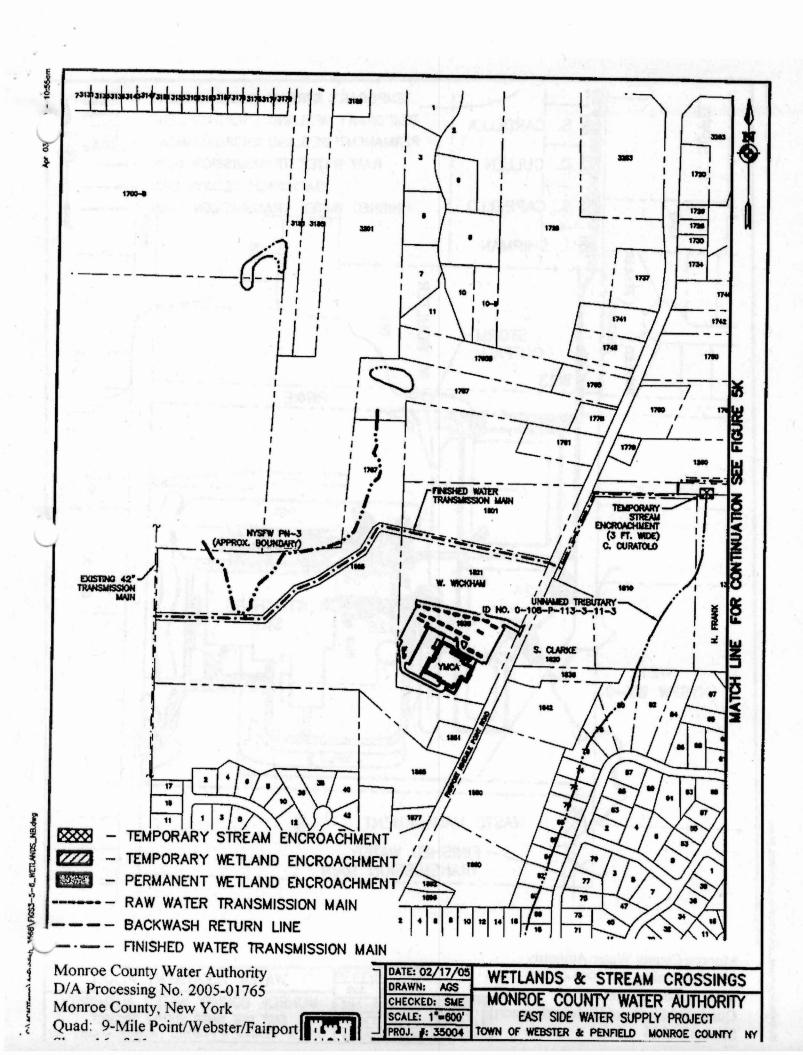
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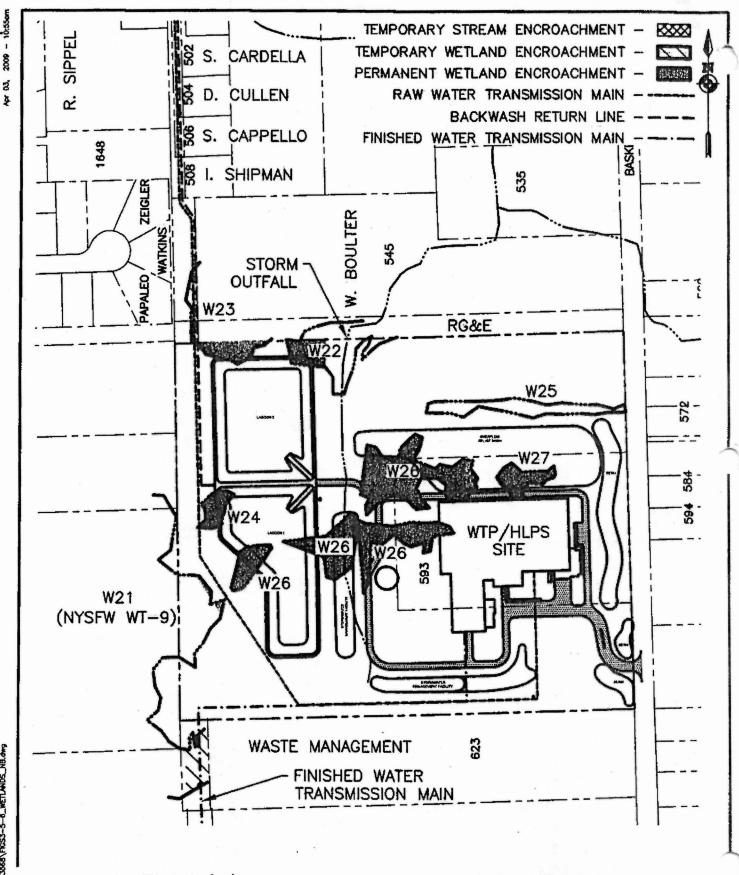












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Monroe County Water Authority
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Monroe County, New York
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WATER TREATMENT PLANT

MONROE COUNTY WATER AUTHORITY

EAST SIDE WATER SUPPLY PROJECT
TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY

Table 1. ESWSP -- Project Area Wetlands.

Project Federal Wetland Component Wetland Acreage <sup>1</sup>	Federal	Total Wetland Evi	Existing	Temporary	Permanent Encroachment Area (ac		
	Covertype <sup>2</sup>	Encroachment Area (ac)	Emergent	Scrub- Shrub	Foreste		
LWPS	W1	0.03	PSS/PFO	-	•••		
LWPS	W2	0.16	PSS/PFO		***		
LWPS	W3	0.65	PSS/PEM		0.265	0.265	
LWPS	W4	0.16	PSS	10 4V 1 10 10 10 10 10 10 10 10 10 10 10 10 1		0.203	
LWPS	W7	0.45	PSS/PEM	•••	0.05	0.05	-
LWPS	W8	0.09	PSS		·	0.00	
LWPS	W9	0.74	PFO/PSS		1	0.015	
LWPS	W10	0.86	PFO/PSS		•	And in concession, the contract of the contrac	0.015
LWPS	W11	0.08	PSS			0.05	0.05
LWPS	W12	0.27	PFO		• • • • • • • • • • • • • • • • • • • •	0.03	
Raw Water	W13	0.003	PEM	·			
Raw Water	W14	0.24	PFO				
Raw Water	W15	0.27	PSS/PEM	0.24		***	
Raw Water	W16	0.003	PEM	0.27			
Raw Water	W17	0.30			•••	***	
Finished	W18	0.30	PFO/PEM	0.30			
Water Finished		0.10	Profes	0.13	•••	***	
Water Finished	W19	0.09	PEM	0.09	And we digit	Lower	***
Water	W20	0.003	PEM			W - 11 10 1	
WTP/Finished Water	W21	0.32	PFO	0.32	body and a	the Tolly	auge 198
WTP	W22	0.62	PSS		***	0.25	
Raw Water	W23	0.37	PFO/PSS	0.37	***	0.25	
WTP	W24	0.19	PSS				
WTP	W25	0.52	PSS/PFO		N 100 10 100	0.19	
WTP	W26	2.32	PEM/PSS/ PFO	an Janes	0.773	0.773	0.773
WTP	W27	0.25	PSS				0.773
Finished						0.25	
Water Finished	W29	0.00 <sup>3</sup>	PEM	D. The action 2		•	•••
Water	W30	0.36	PSS/PFO	0.36	y actionally by	storettic .	
Finished Water	W31	0.08	PEM	0.08			•••
Finished Water	W32	0.003	PEM		Larra Marketon		
Finished Water	W33	0.23	PFO	0.23	Align The State of	L real to	
Finished Water	W34	0.15	PFO	0.15			-0.120
Finished Water	W35	0.17	PFO	0.17	-		
Finished Water	W37	0.52	PFO	0.52			Feb T
Finished Water	W38	0.18	PEM	0.18			
Finished Water	W39	0.89	PFO/PSS	0.89		Error from	
Finished	W41	0.17	PFO	0.17			
Water Finished	W42	0.13	PFO			· Committee -	
Water Finished	W43	0.06	PFO	0.13			
Water Finished				0.06		A Landan	***
Water	W44	0.07	PSS/PFO	0.07		iaryyrica.	
TOTALS	-	12.12		4.73	1.09	1.87	0.84

 Based on Federal Wetland Delineation performed by O'Brien & Gere and the May 2, 2007 Jurisdictional Determination from the USACE.

Palustrine wetland covertypes are designated as: forested = PFO; scrub-shrub = PSS; emergent = PEM.
 The wetland acreage was not quantified because the pipeline was routed to avoid the wetland entirely.

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#### Monroe County Water Authority

#### **East Side Water Supply Project**

#### **Stream Crossings**

#### Construction materials and procedures

Proposed alignments for the raw and finished water transmission mains require perpendicular crossings of tributaries within the Lake Ontario watershed (see Figures 5A to 5L). Three potential stream crossing methodologies have been identified:

- Wet open-cut crossing method this method will result in impacts to the stream which can be
  minimized with proper erosion and sedimentation control techniques. This method entails the
  excavation and backfill of the trench through the stream bed with continuous flow of the stream.
  Potential impacts associated with this method include disruption of stream bed, siltation impacts
  downstream of construction, erosion of disturbed stream banks, and temporary displacement of
  aquatic flora and fauna.
- 2. Dry open-cut crossing method this method will most likely result in lesser impacts to the stream compared with the wet open-cut method. With this method, the stream flow over the stream bed is stopped upstream of the excavation area and diverted over or around the work area. This allows excavation and backfill of the stream bed to proceed without the flow of the stream over the work area. Potential impacts associated with this method include disruption of stream bed, erosion of disturbed stream banks, temporary diversion of stream flow, and the temporary displacement of aquatic flora and fauna.
- 3. Boring method The relatively low and intermittent flow of streams in the project area would not support the expense and extensive staging requirements for a stream boring. The impacts from the large boring pit excavation near the stream and side slopes would likely result in impacts greater than the dry or wet-open-cut method.

The intermittent stream crossings are typically accomplished using the wet open-cut method because of the small size and low flows of these streams and the character of the adjacent lands. However, if the flow conditions are high in the stream during the anticipated crossing period, it is likely that the dry open-cut crossing method will be used or the crossing delayed until flows decrease sufficiently for the wet open-cut method. While the work area width required to complete these crossings will be minimized, it is anticipated that the average work area will be 30-feet wide.

The aquatic ecology of sites where the pipeline and associated easements cross or run contiguous to existing streams may be temporarily disrupted during the construction phase of the project. Mitigation procedures will be incorporated into plans such that impacts are minimal and short-lived.

If the dry open-cut crossing method is used, the diversion of natural stream flows during construction can result in embankment erosion and subsequent increases in turbidity and siltation. Both the dry and wet open cut methods have the potential to interrupt fish movements (as minimal as they may be) during installation. Again, mitigation measures will be taken to avoid the occurrence of such disruptive processes.

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Once construction activity in and around a stream segment is complete, restoration of the stream bank will commence. Grades will be returned to original levels unless otherwise directed. Exposed bank soils will be seeded, mulched, and secured as conditions require such that banks are returned to preconstruction conditions as soon as possible. Additional mitigation measures are summarized below.

#### Construction sequencing

Stream crossings will be performed in accordance with the following general sequence:

- Installation of E&SC features
- Pipeline installation activities
- Site restoration
- Removal of E&SC features.

A typical stream crossing detail is illustrated on Figure 7.

#### Mitigation

The overall impact from construction of the supply and return lines on the aquatic habitats found along the proposed pipeline corridor will be minimal and limited to the period of installation and restoration. Impacts at pipeline stream crossings will vary with the construction method used to install the pipeline across the stream.

Water transmission routes were selected, in part, to minimize the need for stream crossings. Whenever necessary, stream crossings will be performed, to the extent practicable, perpendicular to the stream channel. In addition, the following measures will be implemented:

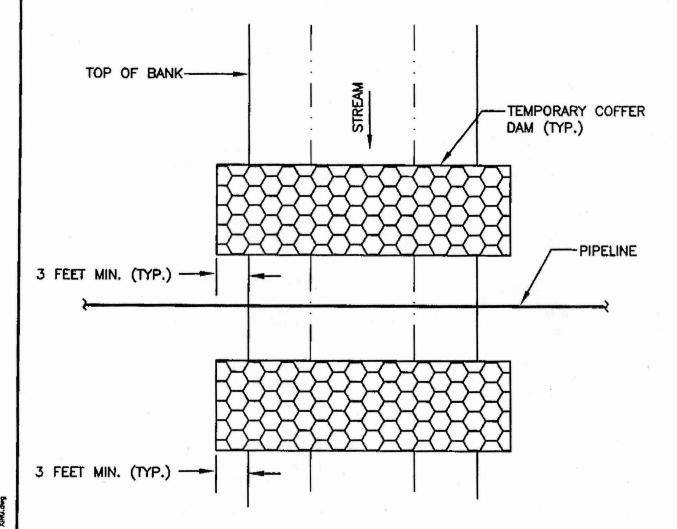
- To minimize disturbance of the life cycle of resident upstream trout populations, stream crossing activity on the tributaries of Fourmile Creek (O-99-1 and O-99-1-1) will be avoided between October I and June 15. In addition, efforts will be made to conduct the crossings during dry weather to minimize the potential for sediment contamination. Weather conditions will be monitored prior to crossing so that should heavy rain be forecasted, construction activities can be postponed or rescheduled.
- Refueling of equipment and handling of hydraulic or engine fluids will not be permitted within 100feet of streams. Absorbent booms will be stored on-site during construction in case of a leak or spill.
- Installation of trench breakers and diversion berms as needed to avoid erosion of trench.
- Placement of silt fencing and hay bales on stream banks as needed.
- Leaving stream banks intact until trenching activities are to commence.
- Use of erosion control matting on stream bottoms for construction vehicles and machinery.
- Placement of temporary turbidity curtains in streams during trenching activity.
- Locating spoil piles away from stream banks. Should insufficient space be available, spoil will be transported off-site.
- Protection of slopes by installing erosion control matting or equivalent technology as conditions demand.
- Pumping of turbid water from trench or boring locations into adjacent sediment traps prior to release into stream.

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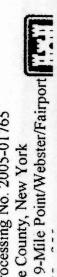


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DATE: FEB. 2009
STREAM CROSSING DETAIL (TYPICAL)
MONROE COUNTY WATER AUTHORITY
EAST SIDE WATER SUPPLY PROJECT
TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY

#### **Monroe County Water Authority** East Side Water Supply Project Stream Crossings

Project Component/Segment	NYS Stream Name & ID <sup>1</sup>	Width of crossing(s)	Туре	NYS Classification 3	Bottom Substrate	Crossing Method
Raw Water Transmission	on Main	1.4				
Figure 5A	Fourmile Creek (O-99)	20	Perennial	C	Rock and gravel	Open Cut
Figure 5B	Unnamed tributary	7	Intermittent	С	- Sand, gravel, slate slab, and cobble	Open Cut
Figure5C	(0-99-1-1)	6	Intermittent	С	- Mucky silt and sand with vegetative litter and cobble	Open Cut
Finished Water Transm	ission Main	44.1			ccobie	
Figure 5D	Unnamed tributary to Fourmile Creek (O-99-3)	12	Perennial	С	Silt with scattered vegetation	Open Cut
Figure 5F	Unnamed tributary (O-99-4)	6	Perennial	С	Silty muck with organic littler	Open Cut
Figure 5F	Unnamed tributary	4	Perennial	С	- Muck with some vegetation	Open Cut
Figure 5G	(O-99-4-1)	6	Perennial	C	- Muck with dead tree limbs	Open Cut
Figure 5H	Unnamed tributary (O-24-9-9)	4	Perennial	С	Muck	Open Cut
Figure 5I	Unnamed tributary (O-108-P-113-3-12-3-5)	3	Perennial	В	Muck with some vegetation	Open Cut
igure 5J	Unnamed tributary (No ID #)	8	Intermittent	NA NA	Muck with cobble	Open Cut
igure 5K	Unnamed tributary (O-108-P-113-3-12-3-6)	1	Perennial	В	Sitty clay with organics	Open Cut
igure 5K	Unnamed tributary (O-108-P-113-3-12-3)	12	Perennial	В	Sand, silt and rooted and floating vegeation	Open Cut
igure 5L	Unnamed tributary (O-108-P-113-3-11-3)	3	Intermittent	C	Silt with vegetation	Open Cut
OTAL	13 Crossings	95				



Monroe County Water Authority D/A Processing No. 2005-01765

<sup>1.</sup> See Figures 5A through 5L.

<sup>2.</sup> Average width of channel at point of crossing from stream surveys performed by O'Brien & Gere.

<sup>3.</sup> Lake Ontario Drainage Basin - Assigned classifications and standards of quality and purity (6 NYCRR § 847.4).

# Final Mitigation Plan for the Monroe County Water Authority – East Side Water Supply Project

Corps Processing No. 2005-01765

APPENDIX A

## FINAL COMPENSATORY MITIGATION PLAN

Eastside Water Supply Project Webster, New York

Monroe County Water Authority Rochester, New York

November 2009



Monroe County Water Authority
D/A Processing No. 2005-01765
Monroe County, New York
Quad: 9-Mile Point/Webster/Fairport
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#### List of Contract Drawings (bound separately)

#### Title Sheet

- G-1 Notes
- G-2 Lake Road Site Site Plan South
- G-3 Lake Road Site Site Plan North
- G-4 Basket Road Site Site Plan
- G-5 Lake Road Site Grading Plan South
- G-6 Lake Road Site Grading Plan North
- G-7 Basket Road Site Grading Plan
- G-8 Miscellaneous Details
- G-9 Miscellaneous Details

#### List of Appendices

- A Restoration of Surfaces Specification
- B Water Budget



#### 5. Baseline Information

#### 5.1. Lake Road Site

The Lake Road Site consists of 27 acres that include 3.49 acres of emergent, scrub-shrub, and forested wetlands (see Table 1). The remaining acreage consists of a mix of upland deciduous forest and dense shrubland. The dense understory of thorn-bearing shrubs (e.g., Rosa spp.) makes the site good protective cover for ground-dwelling mammals (rodents and lagomorphs), but limits travel through the site for larger mammals. Songbirds and turkey are also common to the area. The surrounding area consists of residential homes and undeveloped land. The site is posted to human trespassing.

The site is relatively flat, but slopes gradually to the north and west. Stormwater generally sheet flows towards the existing linear wetlands that traverse the site and then discharges via culverts to areas west of the project area.

#### 5.2. Basket Road Site

The Basket Road Site consists of 42 acres that include 4.22 acres of emergent, scrub-shrub, and forested wetlands (see Table 1). The remaining acreage consists of a mix of upland deciduous forest and dense shrubland. Some vegetative clearing has been performed to provide vehicular and foot access to portions of the site. These areas are dominated by various grasses and forbs, thereby making access for larger mammals more feasible than the Lake Road Site. The area is utilized by a variety of species including white tail deer, rodents, lagomorphs, songbirds, and turkey. The surrounding area consists of residential homes, industrial facilities, and undeveloped area. The site is posted to human trespassing.

This site is also relatively flat but slopes gradually to the north. Stormwater generally sheet flows towards one of the existing wetlands within the site interior or the utility ROW north of the site.

#### 5.3. Water Budget

The hydrology of the mitigation areas under proposed conditions was modeled based on the "Wetland Hydrology – The Water Budget" methodology contained in the Michigan Department of Transportation Drainage Manual (MDOT 2006). Wetland hydrographs were prepared for each mitigation area to illustrate internal hydrologic conditions during "wet year", "dry year," and "average year" scenarios. Precipitation and temperature data representative of each condition that were used in the model were obtained from the National Climatic Data Center for the "Rochester Gtr Intl Ap (ID#307167)" station (http://www.ncdc.noaa.gov/oa/ncdc.html).

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Data and hydrographs for each area under the three scenarios are included in Appendix B<sup>1</sup>. These hydrographs illustrate that each area is predicted to maintain sufficient hydrology during the growing season to support hydrophytic vegetation as proposed.

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<sup>&</sup>lt;sup>1</sup> The data is presented in spreadsheets and hydrographs based on: Pierce, Gary J. 1993. Planning Hydrology for Constructed Wetlands. Wetland Training Institute, Inc. Poolesville, MD. WTI 93-2. 49pp.



#### 6. Determination of Credits

"Credits" are a unit of measure (e.g., functional or areal measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved. As stated in Section 1.2, the USACE has stipulated that unless a functions and values assessment is performed, mitigation should include:

- a) 2:1 ratio for emergent and scrub-shrub wetland impact
- b) 4:1 ratio for forested wetland impacts

These ratios were incorporated into this Compensatory Wetland Mitigation Plan. As stated previously, it is anticipated that the proposed compensatory mitigation plan in conjunction with restoration of temporarily impacted wetlands will compensate for the values and services provided within the watershed of the project area.



#### 7. Mitigation Work Plan

The Compensatory Mitigation Plan will be implemented concurrent with activities associated with construction of the tunnel, LWPS, and WTP. The compensatory mitigation plan is illustrated on Sheets G-2 through G-7; plan notes are provided on Sheets G-1; details are provided on Sheets G-8 and G-9. A general sequence of construction activities is provided on Sheet G-1. The following information provides details of planting strategies to be utilized in the following "zones" of the mitigation area as shown on the plans:

- Zone A (1.15± acres): These areas will support a mix of vegetative species that thrive in intermittently exposed and shallow emergent areas, aimed at mitigating for emergent habitat.
- Zone B (1.03± acres): These areas will support a mix of vegetative species that thrive in shallow emergent and deeper water areas and are less tolerant of exposure, aimed at mitigating for emergent habitat.
- Zone C (3.74± acres): These areas will possess the same hydrologic regime as Zone A but will be planted with a mix of shrub species and vegetative species, aimed at mitigating for scrub-shrub
- Zone D (3.36± acres): These areas will possess the same hydrologic regime as Zone A but will be planted with a mix of shrub, vegetative, and deciduous tree species, aimed at mitigating for forested habitat.

#### Zone A

Zone A shall be seeded with "Floodplain Wildlife Mix: ERNMX-154" from "Ernst Conservation Seeds" or equivalent at a rate of 15 lbs. per acre. Mulch shall be applied in these areas at a rate of 2 tons/acre.

Ernst Conservation Seeds - Floodplain Wildlife Mix (FRNMY-154)

Content (%)	Common Name	Botanical Name
20	Fox Sedge	Carex vulpinoidea
20	Virginia Wild Rye	Elymus virginicus
10	Niagara' Big Bluestem	Andropogon gerardii, 'Nlagara'
10	Indian Grass	Sorghastrum nutans
5	Blunt Broom Sedge	Carex scoparia
5	Switchgrass	Panicum virgatum
5	Blue Vervain	Verbena hastata
4	Fringed (Nodding) Sedge	Carex crinita
4	Common Sneezeweed	Helenium autumnate
3	Grass Leaved Goldenrod	Euthamia graminifolia
2	Awl Sedge	Carex stipata
2	Showy Tick Trefoil	Desmodium canadense
2	Joe Pye Weed	Eupatorium fistulosum
2	Boneset	Eupatorium perfoliatum
2	Oxeye Sunflower	Heliopsis helianthoides
1	Swamp Milkweed	Asclepias incarnata
1	Purple Stemmed Aster	Aster puniceus
· 1	Seedbox	Ludwigia alternifolia
1	Wild Remamot	Monarda fistulosa

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#### Zone B

Zone B shall be seeded with "OBL-FACW Perennial Food and Cover Wetland Mix: ERNMX-120" from "Ernst Conservation Seeds" or equivalent at a rate of 15 lbs. per acre. Mulch shall be applied in these areas at a rate of 2 tons/acre.

Ernst Conservation Seeds - OBL-FACW Perennial Food And Cover Wetland Mix (ERNMX-120)

Content (%)	Common Name	Botanical Name
23	Fox Sedge	Carex vulpinoidea
20	Virginia Wild Rye	Elymus virginicus
. 10	Giant Bur Reed	Sparganium eupycarpum
5	Fringed (Nodding) Sedge	Carex crinita
5	Nodding Sedge	Carex gynandra
5	Hop Sedge	Carex lupulina
5	Lurid (Shallow) Sedge	Carex lurida
5	Blunt Broom Sedge	Carex scoparia
5	Soft Rush	Juncus effusus
5	Wool Grass	Scirpus cyperinus
5	Eastern Bur Reed	Sparganium americanum
3	Nodding Bur Marigold	Bidens cemua
2	Cosmos (Bristly) Sedge	Carex comosa
1	Rattlesnake Grass	Glyceria canadensis
1	Rice Cutgrass	Leersia oryzoides

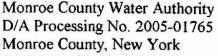
#### Zone C

#### Seed

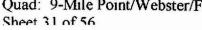
Zone C shall be seeded with "Wildlife Food and Shelter Shrub Mix: ERNMX-138" from "Ernst Conservation Seeds" or equivalent at a rate of 15 lbs. per acre. Mulch shall be applied in these areas at a rate of 2 tons/acre.

Ernst Conservation Seeds - Wildlife Food And Shelter Shrub Mix (ERNMX-138)

Content (%)	Common Name	Botanical Name
24	Fox Sedge	Carex vulpinoidea
14	Arrowwood	Viburnum dentatum
11	Virginia Wild Rye	Elymus virginicus
10	Lurid (Shallow) Sedge	Carex lurida
10	Silky Dogwood	Cornus amomum
10	Grey Dogwood	Cornus racemosa
7.	Blunt Broom Sedge	Carex scoparia
5	Hop Sedge	Carex lupulina
3	Hercules' Club	Aralia spinosa
2	Awl Sedge	Carex stipata
2	Buttonbush	Cephalanthus occidentalis
1	Cosmos (Bristly) Sedge	Carex comosa
1	Meadow Sweet	Spiraea alba



Quad: 9-Mile Point/Webster/Fairport





#### Shrub Plantings

- Existing live shrubs of the following species that are located within the mitigation area may be salvaged to the extent practicable prior to clearing and grading for use within the mitigation area when grading is complete:
  - A. Silky Dogwood (Cornus amonum)
  - B. Willow (Salix spp.)
  - C. Spicebush (Lindera benzoin)
  - D. Arrowwood (Viburnum spp.)
  - E. Red Osier Dogwood (Cornus stolonifera)
- 2. Salvaging may include staging of shrub clumps complete with root systems or collecting cuttings to be used as live stakes. Methods of material staging to promote survival is the contractor's responsibility. Plant material shall be stockpiled adjacent to the work area to minimize transport distance. Materials shall be placed in the mitigation area within Zone C as soon as practicable after completion of grading. Shrub clumps shall not be separated but shall be moved as an individual unit.
- 3. Portions of Zone C that do not receive transplanted shrubs shall receive live stakes in accordance with the following:
  - A. A minimum of 2" to 4" and two live buds of the live stake shall be exposed above the soil.
  - B. Live stakes shall range from 0.5" to 1.5" in diameter, with the following lengths:

Black Willow (Salix nigra): 2'
Buttonbush (Cephalanthus occidentalis): 2'
Red Osier Dogwood (Cornus stolonifera): 2'-3'

- C. Equal numbers of each species shall be planted in equally spaced rows no more than 4 feet apart throughout Zone C. Stake spacing shall be 4 feet maximum.
- D. Live stakes shall be cut to a point on the basal end for insertion on the ground.
- E. Use a dead blow hammer to drive stakes into the ground. The hammer head should be filled with shot or sand. A dibble, iron bar, or similar tool shall be used to make a pilot hole to prevent damaging the material during installation.
- F. After placement, tamp soil around live stakes.
- G. Any live stake that is damaged shall be left in place and supplemented with a replacement live stake adjacent.
- H. Nursery grown materials shall be stored under continuously cool, covered, and moist conditions prior to use.
- I. Seed shall be applied to Zone C areas after placement of shrub and cuttings. Straw mulch shall be applied in these areas at a rate of 2 tons/acre.

- J. Live stakes shall be installed after leaf drop in the fall and before bud break in the spring.
- K. Soak live branches for a minimum of 24 hours before planting. Soaking for 5-7 days is preferred.

#### Zone D

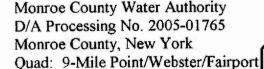
- 1. The contractor shall avoid impacts to those trees identified by the owner's representative that will serve as seed sources for the proposed mitigation area. Grading and vehicle movements shall be minimized within the drip line of the tree crown. Alternative trees may be selected by the contractor on a one to one basis if required only after approved from the owner's representative.
- 2. Portions of Zone D where individual trees are not salvaged shall be planted in accordance with the following:
  - A. Individual size #3 specimens of the following species obtained from RPM Ecosystems, LLC or approved equal shall be planted at a density of 50 per acre:

Eastern Cottonwood (Populus deltoides)
Red Maple (Acer rubrum)
Silver Maple (Acer saccharinum)

- B. Individual trees shall be planted in accordance with the "tree planting instructions" provided by RPM Ecosystems, LLC.
- C. Seed specified for Zone C shall be applied to Zone D areas after placement of trees.

Upon completion of the Tunnel Construction Contract, LWPS Construction Contract, and wetland mitigation activities, the southernmost 200-ft of proposed temporary construction access road measured from the intersection with Lake Road will be restored. This will consist of removal of stone, filter fabric, and fill associated with the stabilized construction entrance and other access road materials to a depth of 4-inches below the existing grade shown on Sheet G-5. The area will then be graded, topsoil added, and the area planted in accordance with the planting specifications for Zone C.

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#### 8. Maintenance Plan

A description and schedule of maintenance requirements that will be performed by the Authority to provide for the continued viability of the resource once initial construction is completed is provided in Table 3.

Table 3. Maintenance Plan.	
Component	Timeframe
Water level control structures	<ul> <li>Monitor water levels and adjust weir height as needed to evaluate optimal water levels.</li> <li>Check water taps for proper function.</li> <li>Check condition of welrs. Remove accumulated debris as needed.</li> </ul>
Vegetation	<ul> <li>Reseed or replant areas that do not achieve performance standards.</li> <li>Hand-pull invasive species (e.g., purple loosestrife, common reed) observed during monitoring events. Dispose of materials outside of the mitigation areas.</li> <li>Mow lawn areas without impacting wetlands. No vegetative cutting to occur in wetlands.</li> </ul>
Mitigation area protection (site access restriction)	<ul> <li>Monitor for signs of trespassing and/or vandalism.</li> <li>Maintain shrub cover over south end of pipeline route and temporary access road.</li> </ul>

#### 9. Performance Standards

Performance standards are observable or measurable physical, chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives. The following performance standards are proposed:

- establish emergent, scrub-shrub, and forested wetland vegetation as prescribed
- seed germination that results in a minimum of 80% ground cover
- woody plant survival of a minimum of 50%
- set water level control facilities at a level that promotes establishment of wetland hydrology throughout the mitigation areas.

## 10. Monitoring Requirements

Long-term monitoring of the compensatory mitigation site will be an on-going process managed by the Authority. Short-term monitoring of the site to determine if the project is meeting its performance standards (see Section 9), and to determine if measures are necessary to facilitate the attainment of Compensatory Mitigation Plan objectives (see Section 12), will also be the responsibility of the Authority.

A baseline report will be forwarded to the USACE office by December 31 in the year of completion of that portion of the overall mitigation construction activities, or by an approved extension. The baseline report will include the following:

- an as-built survey showing the topographic elevations of the created wetland mitigation areas at a minimum of 1-foot contour intervals
- photographs from fixed reference points with a photo-location map
- a list of plants introduced through seeding and/or planting in the wetlands, the methods employed
  to establish each vegetative community, the source and type of the vegetative materials used (e.g.,
  seeds, saplings)
- a scaled map showing the overall planting scheme and the area covered by each plant community
- water depth and date of measurement from representative locations within the mitigation area.
   The sample points will be fixed locations and shall be plotted on a map.

Consistent with 40 CFR § 332.6(b), the minimum five-year monitoring period is suggested as being sufficient to demonstrate that the project has met performance standards. It is understood that the district engineer may reduce or waive the remaining monitoring requirements upon a determination that the compensatory mitigation project has achieved its performance standards. Field monitoring activities shall be performed during the growing season (i.e., April 15 through October 25). Annual reports regarding the status of the compensatory mitigation areas will be submitted to the district engineer and include:

- Estimated frequencies and percent cover of vegetative species within plots selected to represent the vegetative cover types present.
- Photographs showing representative portions of the mitigation area.
- Surface water and ground water elevations in representative portions of the mitigation area.

The reports will be prepared, formatted, and submitted in accordance with the special conditions of the federal permit.

#### 11. Long-Term Management Plan

To provide for the long-term sustainability of the compensatory mitigation area after performance standards have been achieved, a long-term management plan will be implemented by the Authority that includes the following:

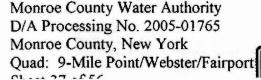
- General restrictions on public use.
- Long-term management provisions through the Authority's capital budget funded on an annual basis through the budgetary review process.

The project has been designed to be self-sustaining once performance standards have been achieved (i.e., natural hydrology and landscape context will support long-term sustainability). However, the facilities proposed to provide water to the mitigation areas in the event of low surface water conditions will be maintained and operated as needed by the Authority.

Supplemental water for the wetland mitigation area at the Basket Road Site will be obtained via a connection to the WTP site distribution system. This water will have characteristics of a typical municipal potable water supply that is used for agricultural, lawn and garden irrigation, including residual chlorine levels typically around 0.5 to 1 mg/L. Supplemental water for the wetland mitigation areas at the Lake Road Site will be obtained via connections to the proposed raw water main. This water will have residual chlorine levels of around 0 to 1 mg/L as well, due to the use of sodium hypochlorite at the intake for control of zebra mussels (*Dreissena polymorpha*). These levels are not expected to adversely impact flora and fauna within the wetland mitigation areas.

Long-term management elements are summarized in Table 4.

Component	Impact on Performance Standard
Water level control structures	<ul> <li>Monitor water levels and adjust weir height as needed to maintain optimal water levels.</li> <li>Turn water taps on and off as necessary.</li> <li>Check water taps for proper function.</li> <li>Check condition of weirs. Remove accumulated debris as needed.</li> <li>Monitor Impacts/damage from mammals (e.g., beaver, muskrat and employ control techniques (e.g., trapping and removal) as necessary.</li> </ul>
Vegetative	Mow lawn areas without impacting wetlands. No vegetative cutting or disposal of clippings to occur in wetlands.
Mitigation area protection (site access restriction)	<ul> <li>In-perpetuity, to include maintenance of shrub cover over south end of pipeline route and temporary access road once removed</li> <li>Monitor for signs of trespassing and/or vandalism.</li> <li>Maintain presence of posted signs.</li> </ul>





### 12. Adaptive Management Plan

To address unforeseen changes in site conditions or other components of the compensatory mitigation project, an adaptive management plan has been developed, which is summarized in Table 5.

Component	Adaptive Measure
	<ul> <li>If Canada geese activities prevent establishment of emergent plant communities, prohibitive measures such as installation of an overhead grid system may be employed.</li> </ul>
Vegetation	<ul> <li>If deer damage to tree saplings is rampant, preventative measures may be employed or alternate, less palatable species selected.</li> </ul>
	<ul> <li>If selected species are unsuccessful, alternate seed mixes or species will be used.</li> </ul>
	<ul> <li>If purple loosestrife becomes dominant, introduction of biological control agents such as Galerucella beetles should be considered.</li> </ul>
Soil	<ul> <li>Additional organic material may be added if needed to promote vegetative growth.</li> </ul>
Water levels	Weir modification including additional stop logs to raise water levels.     Installation of additional water taps if those proposed.



#### 13. Financial Assurances

The Authority is a body corporate and politic constituting a public benefit corporation of the State of New York created by and existing under Title 5 of the Public Authorities Law of the State. The Authority has entered into a Trust Indenture with its bond holders which is in effect so long has it has outstanding bonds (currently through 2036). The Trust Indenture requires, and the Authority has pledged to institute rates and fees that cover all of it expenses. The Authority's rates and charges are not subject to review, regulation or approval by any federal, State or governmental agency or body. Therefore, the full faith and credit of the Authority have been pledged to being financially responsible to cover the construction of and post-construction monitoring and management plans contained herein.

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# Wetland Mitigation Drawings for the Monroe County Water Authority – East Side Water Supply Project

Corps Processing No. 2005-01765

APPENDIX B

Monroe County Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 40 of 56 LAKE ONTARIO

# MONROE COUNTY WATER AUTHORITY ROCHESTER, NEW YORK

# EAST SIDE WATER SUPPLY WETLAND MITIGATION

PERMIT DRAWINGS TOWN OF WEBSTER

ENGINEERING NO. 02-S05

#### MEMBERS OF THE AUTHORITY

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VICE CHAIRMAN

TREASURER

MEMBER

MEMBER

MEMBER

EXECUTIVE DIRECTOR

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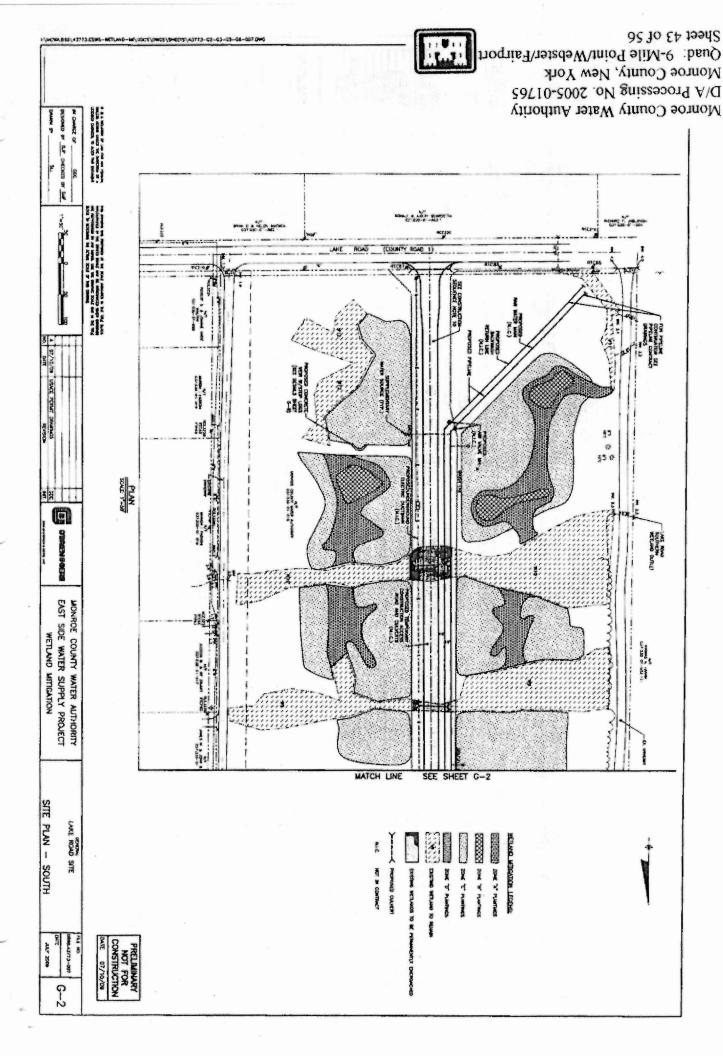


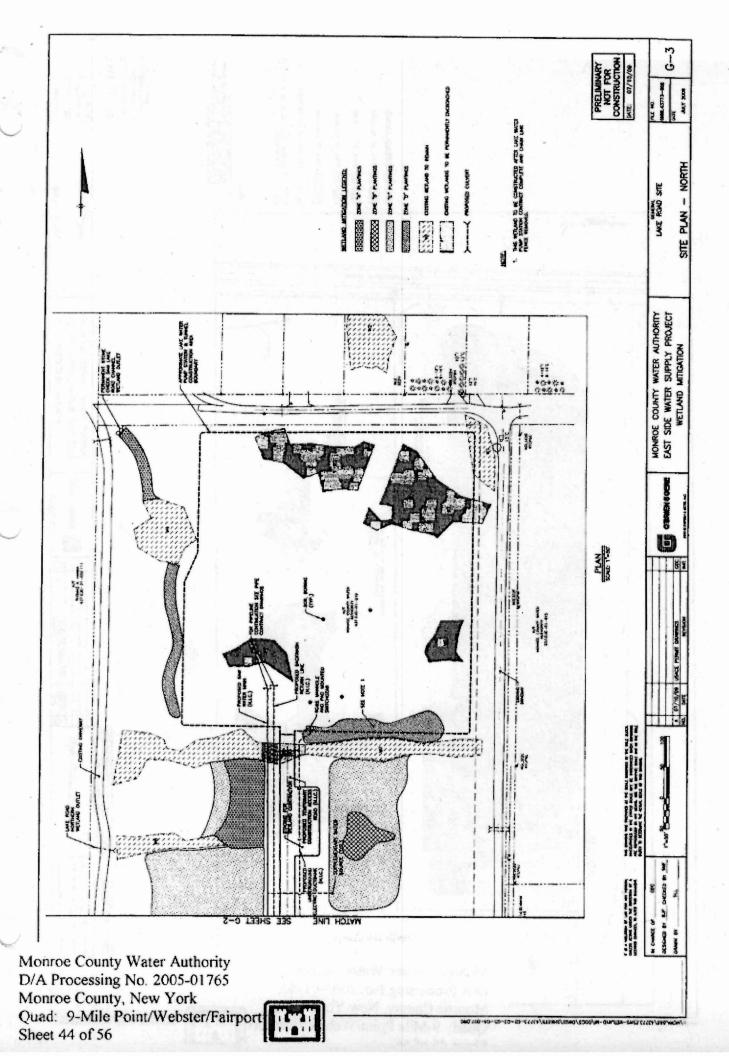
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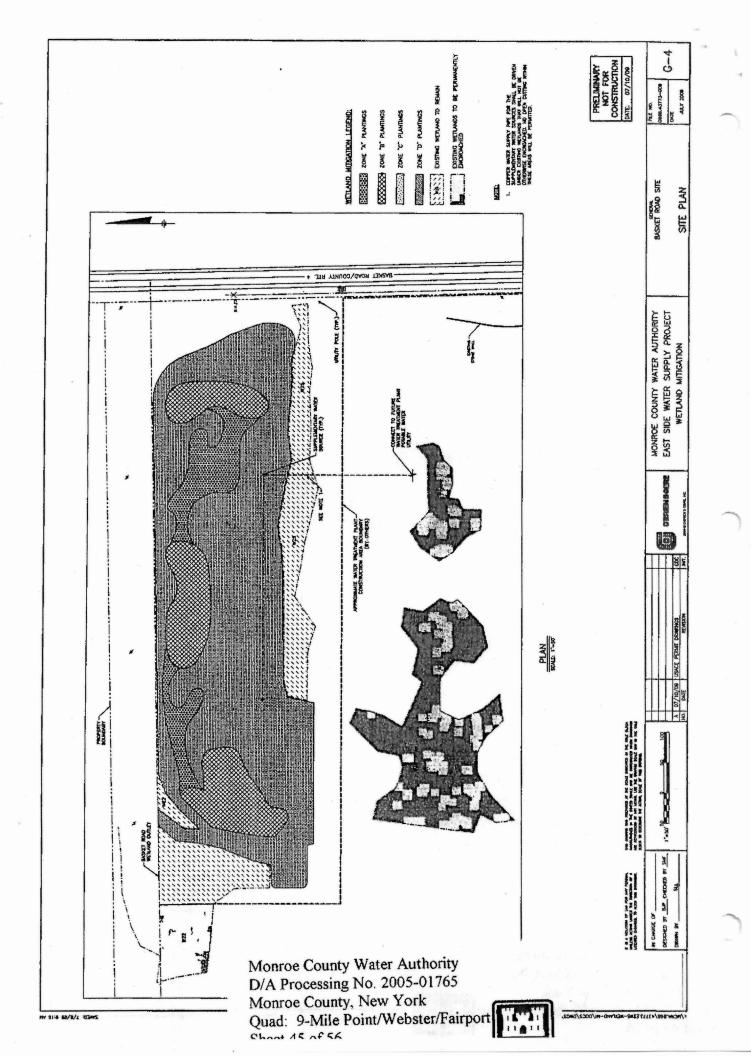
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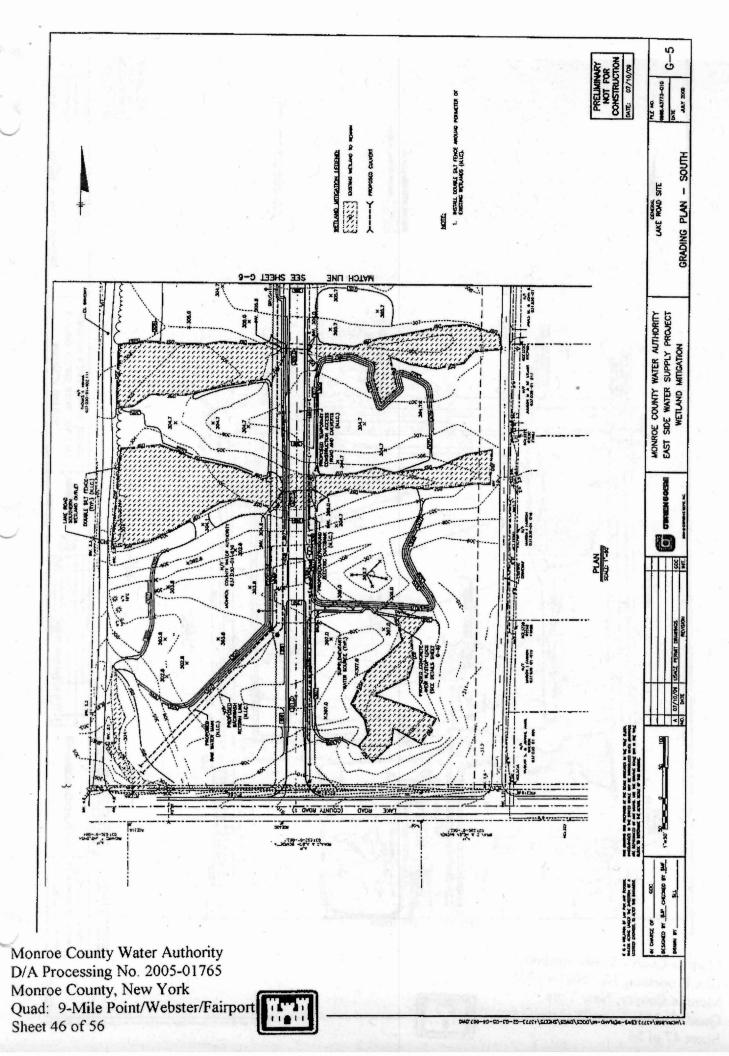
Sheet 42 of 56 9-Mile Point/Webster/Fairport HENDUL SIZ (S STORMES OF THE FILLINGS SPECIO OFFINED THIN PAY PERSONS OF A PRINCIPLY OF BO PERSONS LIC OR APPROVED EQUAL SPALL RE PLANTED AF A DESETT OF BO PERSONS. Monroe County, New York HOMOUR, THES SHALL BE PLANTED IN ACCORDANCE WITH THE PLANTAGE RETINICIONS PROVIDED BY MAY EXCHANGED, LLC. R. ZOME C SEED MAN SHILL ME APPLIED TO 20ME D ANGAS AFTER PLACEMENT OF TREES EDIE C SHALL DE SEEDED WITH THEALTE FOOD AND BHILITED SHANDS UND CHEMINATION SEEDS" ON APPROVED DELIAL, AT A MITE OF 15 LIBE, NOTE MALL WE APPLIED IN THESE AREAS AT A THIE OF 2 TOMA/ACHE. PORTONS OF 20ME D WHITE NAMEDAL THEIS ARE NOT SKINKED SMALL OF PLAN ACCORDANCE WITH THE FELLENGE. BOUN, MANIES OF DON SPECES SHILL BE PLANTED TO OFFIUM A YORK & OF SO INCES FOR ASH. GLYCOM DAMODES LEDSM OW/ZOBES D/A Processing No. 2005-01765 PERDINAL FOOD AND COVER WETLAND SEED MOX WALLIE FOOD AND SHELTER SHEAR SEED MAX Monroe County Water Authority VEDETATIVE PLANTING SPECIFICATIONS (COMPARED) NOTES WITHOUGH SEED SHALL BY AFTER TO THE MIDGRICH AND AFTER CRICING AND TOPICS PARCENS. DONE A SHALL BE SEEDD WITH "MODRIFUR WILDIFF WAS DEBASY-104" THOM TOWER CONSERVING THE STATE OF MOMENTOR THOM OF 51 LINE, FEB. ACTE. MALON SHALL BE APPLED IN THESE ANDRE MY NOWE OF 3 TOWN/ADM. USE A DOD BLOW HUMBER TO DAME STATES AND THE CADUMO, THE HUMBER HEAD BE STALLD BE FALLED WITH SHALL A SHELLE, FON BAY, OR SHALLAND STALL BEYOND THE WINDOWN APPLICATION. LINE STATES SHALL HE HATHLED AFTER LEAF ONCY IN THE FALL AND METONE BLAD PICKE HI THE SPRING. EQUAL HAMBERS OF EXCH SPECIES SHALL RE FLAMTED IN CRUALLY SPACED MORE NO LOCK. Than 4 FEET ARMY "BRICHOUT ZONE, C., STACE SPACING SHALL RE, 4 FEET MOMENT. K. DON LIKE SWINDED FOR A LIBERAL OF 34 HOURS SPOKE FLATING, XOUGH VESTÄMTE, SLAMBAL SPETSFLÄUDER. LAK STAZES SHALL BE CUT TO A FORFE DRI THE DISCLE DID FOR JASSINGH OR THE CHOUSE. PORTIONS OF ZOME C THAT DO NOT RECOME TRANSPLANTED SHRURS SHALL RECOM-UMS STREETS IN ACCORDANCE WITH THE FOLLOWING. ANY DIE STACE THAT IS DIMEDD SHALL IN LIST IN PLACE AND SUPPLIABILITY. WITH A NEPLACIDISM DIE STAKE ADMICINT. RETO BRILL BE APPLED TO ZONE O AREA ATER PLACEDED OF SHELDS AND CORRECT. STAND MALCH SHALL BE APPLED IN THESE AREA AT A NATE OF 2 DIRECTAINS. LINE STACKS SHILL MAKE THOM OLS' TO 1.5" IN DAMETER, WITH THE FOLLOW LEMETRE. A. A MANAGAN OF IT OF AND THO LIVE BLOS OF THE LIVE STUEE SHALL ME DEPOSED ABOVE THE STUE. MUNICIPY CARGINA MATERIALS SHALL BE STONED INNER CONTRADOLELY COC., COMPART, AND MOUT CONGITIONS PRICE TO USE. DODING LAT SHEND OF THE POLICING PRICES THAT AND LOCKUP WITH INTERCOLLAND, HELD WE SELVED FOR TRUBENIAM THAT TO CLUMBER AND FOR THANKSHIM WHICH THE INTERCOLLAND, MICH GANGED IS COLMULTY. MONROE COUNTY WATER AUTHORITY EASTSIDE WATER SUPPLY PROJECT WETLAND MITIGATION BLACK WILDY (SELK HONN); 2' BUTTOWILDY 2' BUTTOWILDY 2' BUTTOWILDY 2'-3' RE OCKS DOWNOO! (SOWING STILLINGTON); 2'-3' WITH PLACEMENT, THE SOL MICHOE LINE STARTS Authority Mr Aller Transp. O' Bane Cupa.
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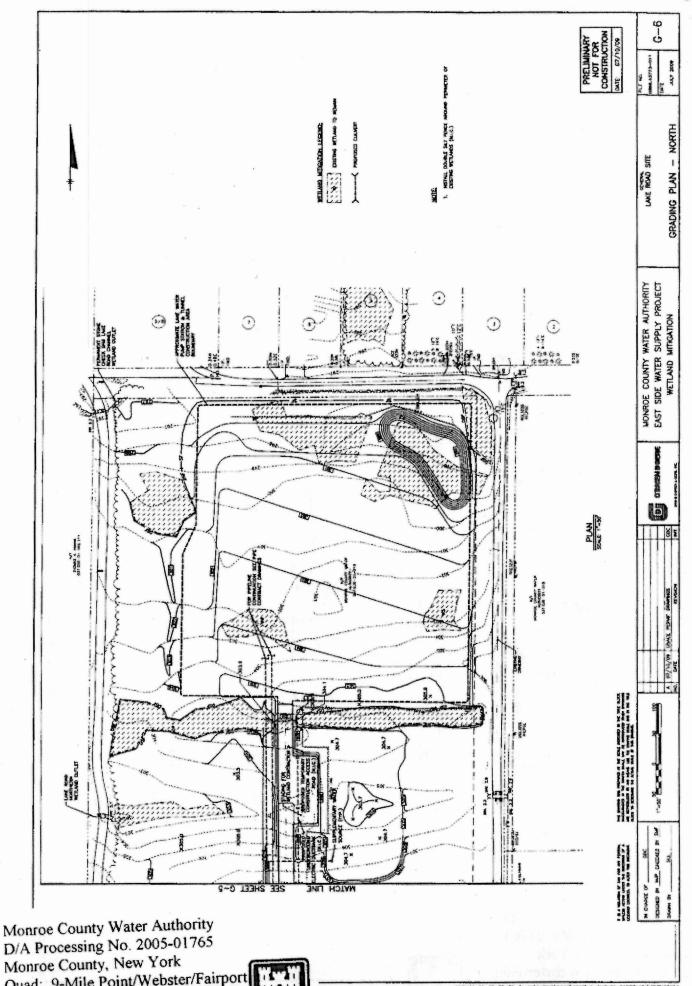
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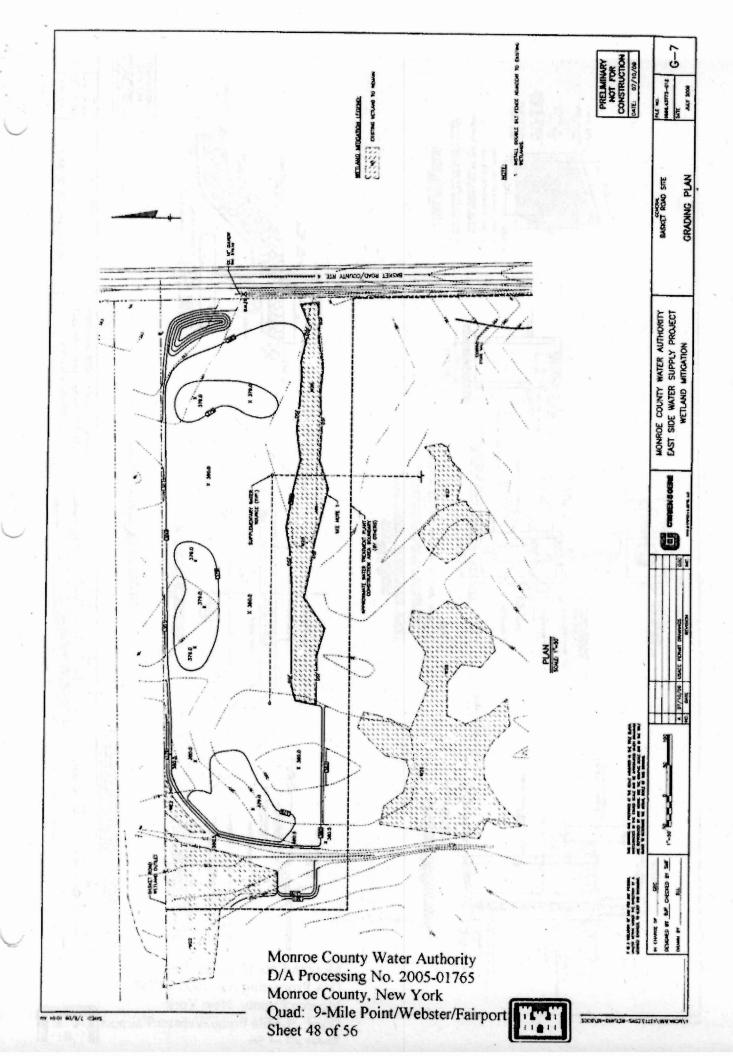


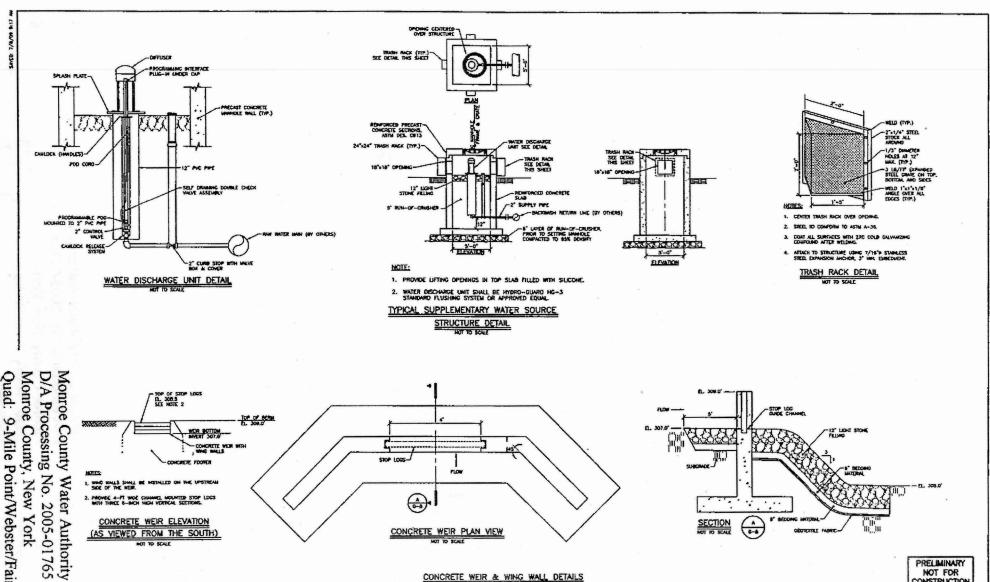






Monroe County, New York
Quad: 9-Mile Point/Webster/Fairport
Sheet 47 of 56





Quad: 9-Mile Point/Webster/Fairport

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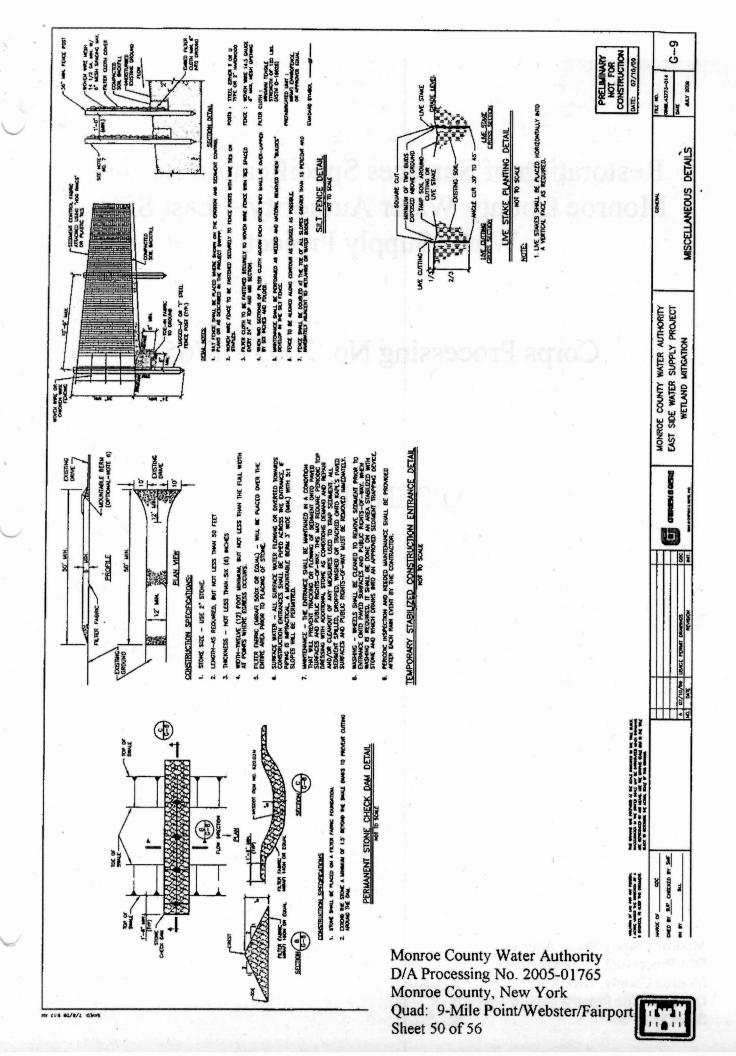
MONROE COUNTY WATER AUTHORITY EAST SIDE WATER SUPPLY PROJECT WETLAND MITIGATION

CENEDAL MISCELLANEOUS DETAILS 0068.43773-D13 JULY 2000

PRELIMINARY NOT FOR

CONSTRUCTION DATE: 07/10/09

G-8



# Restoration of Surfaces Specification for the Monroe County Water Authority – East Side Water Supply Project

Corps Processing No. 2005-01765

APPENDIX C

## **Restoration of Surfaces Specification**

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Monroe County Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 52 of 56

#### Mitigation of Wetlands Impacts

#### **General Conditions**

- Contractor shall not work within 100' buffer or wetland areas, except where noted or shown.
- The contractor shall make every effort to complete construction operations as expeditiously as practical to minimize the duration of disturbance adjacent to the existing wetlands and buffer area.
- The contractor shall not store chemicals, fuels, or lubricating oils within 100 feet of wetland. With the exception of dewatering pumps, equipment shall not be refueled within 100 feet of wetland.
- Equipment and/or machinery shall not be washed in the wetland nor shall contractor permit water from such activities to enter the wetland areas.
- No work or staging shall occur within existing wetlands outside of disturbed wetland area.
- All construction equipment shall be removed from the wetland upon completion of construction.
- All construction activities, seeding, and planting shall be completed between April 15 and October 15.
- All vegetative protection measures shall be installed prior to the start of earth moving activities, including road construction/removal and clearing and grubbing.
- Construction equipment and vehicles shall not be parked or operated under the canopy of trees >6" diameter breast height (dbh) to remain.
- Petroleum products and other chemical products shall not be stored or dumped under the canopy of trees >6" dbh to remain.
- In no case shall boards or fences be nailed to trees >6" dbh to remain.
- Standard, 40-inch high snow fence, or equivalent shall be installed along the limits of clearing per manufacturer specifications.
- Trees >6" dbh to remain within the limits of clearing shall be protected from damage to the extent practicable.

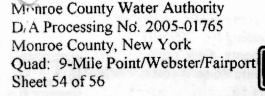
Monroe Count Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 53 1656



- Tree protection devices shall be maintained until site landscaping and cleanup is complete.
- Wetland construction will be performed only during daylight hours.
- Sediment filter devices (i.e., silt fencing) shall be maintained along the edge of the
  wetland except as required to allow equipment access for construction activities and
  shall be maintained until revegetation is complete.
- The contractor's staging area shall be located a minimum of 50 feet away from the wetland boundary.
- Cut or prune existing wetland vegetation utilizing appropriate pruning methods.
- Wetland disturbance construction sequence guidelines shall be as follows:
  - Install silt fence at edge of wetland to control sediment laden runoff to stream/wetland.
  - B. Install by-pass pumping and siltation control measures in wetland.
  - C. Excavate trench.
  - D. Install pipe in trench.
  - E. Backfill trench.
  - F. Restore wetland per construction drawings and remove and dispose of any accumulated sediment.
  - G. Carefully remove temporary siltation control measures from the limits of the wetland area.
- The contractor shall operate construction equipment within the wetland as required to
  install and remove siltation control devices, excavate the pipe trench, install the pipe,
  backfill and restore the construction zone. Construction mats shall be used as required
  to develop a stable base for the movement of equipment.

#### Topsoil Stripping and Stockniling Methods

- All topsoil and excavated materials shall be stockpiled outside the wetland areas.
- The stockpile shall be seeded if the stockpile is left undisturbed for 5 days or more.
- Silt fence shall be installed at the base of the stockpile.



- Four inches of topsoil shall be removed from the spoil area and stockpiled in the temporary spoil area topsoil stockpile area prior to placement of general excavation spoil material.
- Topsoil from the wetland area and adjacent grading area shall be removed including
  vegetative cover to full depth and stockpiled in the temporary wetland area topsoil
  stockpile area. The contractor shall field verify topsoil depth and quantity of available
  and usable topsoil. The contractor is obligated to supplement existing topsoil if
  necessary or required. Imported topsoil designated for the wetland area is to be
  supplied from a commercial source and be of similar quality and consistency as onsite topsoil. The commercial source and topsoil shall be approved by the owner prior
  to use.

#### **Topsoil Depths**

- The topsoil removed and stockpiled shall be used to restore surfaces.
- Excess topsoil shall be used outside the wetland area or disposed.
- Excavate to the full depth of vegetative cover in the wetland area.
- Excess soil shall be disposed of in designated spoil area in accordance with proposed grading shown. All excess material is to be disposed of off-site. Contractor to secure acceptable disposal site.
- Topsoil from the temporary spoil area stockpile shall then be spread uniformly over the spoil area, fine graded and seeded with perennial rye at a rate of 25 LBS/1,000 SF within 5 days of placement.
- In wetland area, place a minimum of 8 inches of topsoil from temporary wetland area topsoil stockpile. Final grades shall match the existing grades prior to the start of the project. In adjacent areas outside of wetland area, place 6 inches of topsoil from temporary wetland area topsoil stockpile. Do not compact.

#### Soil Amendments

 Synthetic or organic soil stabilizers may be used as needed - under suitable conditions and in sufficient quantities subject to analysis of the specific soil type involved.

#### Seed Mix

 All disturbed, exposed soils resulting from this project shall be seeded and mulched with hay or straw within 5 days of project completion

Monroe County Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 55 of 56

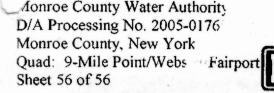


- All plants and seeding shall be established to the satisfaction of the Owner. At
  minimum, they must survive through one complete growing season. After one
  growing season, any mortality exceeding 10 percent must be replanted so that
  survival exceeds 90 percent.
- Apply wetland seed mix from Southern Tier Consulting Inc. or similar supplier, to be approved by owner to wetland area at a rate of 15 pounds per acre. Seed mix shall be Northeast Wetland Grass Seed Mix (STCMX-7) or equivalent:

Common Name	Scientific Name	Percentage
Creeping Bentgrass	Agrostis stolonifera	63%
Rough Bluegrass	Poa trivialis	17%
Meadow Foxtail	Alopecurus arundinaceus	11%
Annual Rycgrass	Lolium multiflorum	4.5%
Deertongue	Panicum clandestinum	4.5%

#### Mulching

- All disturbed, exposed soils shall be seeded and mulched with hay or straw within 5
  days of project completion.
- If seeding or planting is impractical due to the time of year, temporary mulch shall be
  applied within 5 days of final grade completion. Final seeding shall be performed at
  the earliest opportunity when weather conditions favor germination and growth.
- Unrotted small-grain straw or salt hay shall be spread uniformly at 90 to 115 pounds per 1,000 square feet and anchored with a mulch anchoring tool, liquid mulch binders or netting tie down as necessary.
- Synthetic or organic soil stabilizers may be used under suitable conditions and in sufficient quantities.
- Wood-fiber or paper-fiber mulch at the rate of 1,500 pounds per acre may be applied by a hydroseeder or hydromulcher.
- Only Biodegradable mulch netting, such as paper jute, excelsior or cotton may be used.



\*

John Mello/R2/USEPA/US 07/28/2009 07:49 AM

To William Lawler/R2/USEPA/US@EPA

CC

bcc

Subject Fw: MCWA - Eastside Water Supply Project (XP972710-05)

History:

A This message has been replied to and forwarded.

Bill:

Below is an email from the Authority with the latest status of the COE 404/10 permitting process.

Joe Krawczyk called me to ask if EPA was going to let the Authority advertise w/o being in compliance with NEPA. I told him my office could not give authorization to advertise until EPA is in compliance with NEPA. Told him EA was being prepared and that it would take weeks for it to be signed, then a 30 day comment period, etc. Apparently, the Authority's consultant has been trying to push the COE into issuing the permit sooner rather than later.

Anyway, Mr. Krawczyk told me the permit should be issued by the second week of next month.

Do we have to include a discussion of the wetlands mitigation work into the EA? I haven't talked to Mr. Metzger about this yet, but, I would imagine I would want to see the bid documents for the wetlands mitigation work. I don't see why this would not be eligible under the Authority's grant.

Mr. Metzger also forwarded me the letter from Mario to the COE regarding EPA's comments (below).

Looks like after all of these years, progress on this project is finally happening!

Thanks!

img-724083645-0001.pdf

----- Forwarded by John Mello/R2/USEPA/US on 07/28/2009 06:40 AM -----



"Richard Metzger"
<Richard.Metzger@mcwa.co
m>

To John Mello/R2/USEPA/US@EPA

CC

07/23/2009 11:38 AM

Subject MCWA - Eastside Water Supply Project

John:

I wanted to update you on the status of the Corps' Section 404 and Section 10 permitting process for the Eastside Water Supply Project. The Corps completed

its public and agency review process and we have provided our responses to comments back to the Corps. We have also submitted the wetland mitigation plan to the Corps, which incorporates previous comments/guidance provided by the Corps. The Corps is currently reviewing the mitigation plan and completing its NEPA responsibilities. I believe Joe Krawczyk has confirmed to you that issuance of the permits is expected in early August.

We are also advancing bid documents for the wetland mitigation work. This work will be bid by the Authority separately from the tunnel work. As you know, timing is critical to obtain federal stimulus money. Through previous communications and submissions, we assume that the EPA has sufficient information to advance its own NEPA responsibilities. While we understand that the EPA may wait to issue its NEPA determination until it is in receipt of the Corps permits, we urge the EPA to advance the supporting documentation (i.e., Environmental Assessment) with confidence that issuance of the Corps permits is forthcoming.

Richard Metzger, P.E. Monroe County Water Authority 475 Norris Drive Rochester, NY 14610 585-442-2000



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

JUN 8 2009

Thomas C. Switala Chief, Regulatory Branch U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207-3199

Dear Mr. Switala:

The U.S. Environmental Protection Agency (EPA) has reviewed Public Notice number 2005-01765 concerning an application submitted by Monroe County Water Authority (MCWA) to perform regulated activities in the Towns of Webster and Penfield.

The applicant proposes to construct the "East Side Water Supply Project" to collect, treat, and distribute 50 million to 150 million gallons per day. Project components include a water intake system (tunnel, crib structure) in Lake Ontario, pumping station, treatment plant, and water pipelines. Permanent wetland fill would consist of 1.09 acres emergent, 1.87 acres scrub-shrub, and 0.84 acre forested wetland (total 3.80 acres). Temporary wetland disturbance (pipelines and access roads) would affect 4.73 acres.

As compensation for permanent wetland fill, MCWA plans to create 9.28 acres of wetlands at two sites. Mitigation goals include 3.36 acres forested and 3.74 acres scrubshrub wetland. The proposed density of tree planting is 50 per acre, but we recommend a density of at least 100 per acre. The proposed restoration of temporarily disturbed wetland areas entails re-grading and seeding, but we recommend adding installation of trees and shrubs (about 3.0 to 3.5 acres are forested).

EPA has no objection to issuance of a Corps wetland permit for the Monroe County Water Authority project, provided the applicant satisfactorily addresses our concerns regarding wetland creation and restoration. Should you have any questions regarding this matter, please contact John Cantilli at (212) 637-3810 or cantilli.john@epa.gov.

Sincerely,

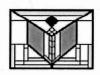
Mario Del Vicario, Chief

Watershed Management Branch

cc: USFWS, Cortland NY

OO JUN - PM 5: 35

SPMMPB



Montella/R2/USEPA/US 05/14/2009 11:21 AM

To William Lawler/R2/USEPA/US@EPA

cc mello.john@epa.gov, musumeci.grace@epa.gov

bcc

Subject Re: Corps Public Notice, permits for Monroe County NY, East Side Water Supply Project

History:

This message has been forwarded.

We may have some comments, we just got this, the impacts appear relatively minor

- Dan

William Lawler/R2/USEPA/US



William Lawler/R2/USEPA/US

05/12/2009 11:55 AM

To Daniel Montella/R2/USEPA/US@EPA

cc musumeci.grace@epa.gov, mello.john@epa.gov

Subject Corps Public Notice, permits for Monroe County NY, East

Side Water Supply Project

#### Dan

The Corps is soliciting public comments (from May 8th to June 8th) on its Rivers and Harbors and wetlands permits for the East Side Water Supply special appropriation act project sponsored by the Monroe County Water Authority. A copy of the Corps' Public Notice is attached, and provides a good synopsis of the project.

This is to let you know that DEPP-SPMMB is very interested and involved in this matter. As a result of the Special Appropriation Act funding which EPA awarded for the project, EPA is responsible for complying with NEPA for our grant action. So, we are in the process of preparing an environmental assessment of the project, to be issued after the Corps makes a decision with respect to these permits.

Thus, I am alerting Wetlands to this Corps notice to ensure that EPA's views are able to be timely factored into the Corps' decisionmaking on these permits, especially in light of EPA's ongoing involvement in the project.

In addition, because our NEPA review effort will be addressing some of the matters addressed by the Corps in these permits, it would be helpful for us to know EPA's position on the permits, if there is one, as we prepare our environmental assessment.

I am available to discuss the NEPA aspects of the project. For the financial and grant aspects of the project, John Mello is the person to contact. If there is anything we can assist you with, please let either of us know.

In the interim, please also let me know which wetlands staff member will be handling this.

**Thanks** Bill Lawler x3728

[attachment "MCWA East Side Project Corps Permits.pdf" deleted by Daniel Montella/R2/USEPA/US]

- Rec'd 11/23/05

#### **Monroe County Water Authority Eastside Water Supply Project**

Proposed Project Components - General Basis of Design

- (alled mello + sand we need map/figure etc strong the size + locater of tress components + what-ever hapmed to the

Intake System - This system includes the intake crib, an 8-foot diameter tunnel, a riser shaft with intake screens and an adit to supply the individual pumps.

- Intake Crib
  - o 1 mile offshore @ water depth of 45-50 feet
    - At lake bottom elev. 200
    - Normal lake level ~ 246
  - 29' square, in plan view
  - Screens on all 4 sides, (7' x 28'-6" each side)
    - bottom of screens 10' above lake bottom,
    - top of screens 17' above lake bottom
  - Capacity: 150 mgd
  - Zebra mussel control: hypochlorite and KMnO4 diffusers
- > Tunnel
  - 6,000 feet (5,000' below lake / 1,000' below land)
  - o 8' finish diameter
  - o 4 to 6" Concrete lining
  - o Lake-side termination: 50 feet below lake bottom (inv. Elev. 145)
  - o Land-side termination: 160feet below grade (invert 139.0)
  - o 8 foot diameter vertical connection: tunnel to intake crib
  - Land-side riser shaft:
    - 40' diameter: grade to elev. 200
    - 20' diameter: elev. 200 to tunnel invert (elev. 139)
- Outfall
  - o 2,500 offshore @ water depth of 30-35 feet
  - o 24-inch diameter pipe, installed within tunnel
  - o Dual 24-inch discharge diffusers
- Pump Station Adit
  - o 200 foot tunnel from riser shaft to pump station
  - o Inv. Elev. 200
  - o 8 foot nominal diameter (horseshoe shape)
  - Concrete lined

Lakewater Pump Station - This component of the project provides the energy necessary to withdraw water from the lake and convey it to the water treatment plant. This facility includes the main pumping building, the screen building (located over the tunnel riser shaft), and an electric power building.

- Initial capacity: 50 mgd
- Ultimate Capacity 150 mgd
- Intake Screens
  - o 2-14 foot width
  - o 0.5 inch nominal screen opening size
- > Pumps (initial)
  - o 4 units (rated capacity achieved w/ 1 unit out of service)
  - 900 hp each

- o 11,600 gpm @ 237 feet TDH
- o 2 w/ VFDs
- Chemical Facilities (avg. dose / bulk storage capacity)
  - o Sodium Hypochlorite (1.5 mg/l / 6,000 gal)
  - o KMnO4 (0.17 mg/l / 2 @ 2,000 gal)

Water Treatment Plant – The plant will filter and disinfect water to meet all regulatory requirements. Also housed at the plant are the pumps that deliver the potable water to the distribution system. Residuals are treated by natural freeze/thaw with treated backwash water returned to the lake.

- ➤ Initial capacity: 50 mgd
- Ultimate future capacity of site: 150 mgd
- Process: Direct Filtration
- Chemical Facilities (dose range / bulk storage capacity)
  - o Sodium Hypochlorite (2-5 mg/l / 3 @ 5,000 gal)
    - Back-up chlorine gas (2 mg/l / 6 150 # cylinders)
  - o Alum (4-8 mg/l / 2 @ 5,000 gal)
  - o Poylyaluminum Chloride (4-8 mg/1 / 2 @, 5,000 gal)
  - o Fluoride (0.85 mg/l / 1 @ 5,000 gal)
  - o Cationic Polymer (0.4 1 mg/l / 1 @ 5,000 gal)
  - o Sulfur Dioxide (1-2 mg/l/6-150 # cylinders)
  - o Carbon dioxide (18-20 mg/1 / 72,000 #)
- Contact Basins
  - o 60 minute Detention time
- > Filters
  - o 6 units (rated capacity achieved w/ 1 unit out of service)
  - o Dual Media
    - 12" sand below 24" GAC
  - o 6 gpm/ft2
  - Surface wash
  - o Gravelless bottoms
- Disinfection Contact Basins
  - o CT based contact time for 3 log viruses / 1 –log Giardia
    - 59 mg\*minutes, pH 7, 0.5C
    - 54 minutes @ 1.2 mg/l
    - Baffling Coefficient: 0.7
- Clearwells:
  - o 2 @ 0.92 mg each
- Backwash
  - Average quantity 2 5% of through-put
  - o Supply & Equalization tanks
    - 2 consecutive washes
    - 550,000 usable volume
  - o 2 lagoons for alternate year freeze/dry treatment
  - o 20" diameter gravity supernatant return line to outfall diffuser (see tunnel)
- ➤ High Lift Pumps (initial)
  - o 4 units (rated capacity achieved w/ 1 unit out of service)
  - o 1,000 hp each
  - o 2 w/ VFDs

Water Transmission Mains – A 54" watermain conveys lakewater from the Lake Water Pump Station to the Water Treatment Plant. A 60" and 54" main conveys treated water to connections with the existing transmission network south of the plant.

- > Raw Water Main
  - o 54 inch diameter
  - o Capacity 65 mgd
  - o 16,000 feet
  - o Max. pressure 135 psi Finished Water Mains
- - o 54 inch:
  - Capacity: 65 mgd48,000 feet

  - o Maximum pressure 175 psi

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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

Bill- see page 2 for your projects.

**JAN 2 1 2009** 

Ms. Kathy Mitchell Seneca Nation Tribal Historical Preservation Office 467 Center Street Salamanca, New York 14779

Dear Ms. Mitchell:

This is in response to your letter of August 22, 2008 to my attention requesting the status of each of the following New York State projects: Erie County Water Authority, Town of Geneva, Village of Lyndonville and the Monroe County Water Authority.

I wanted to discuss the status of these projects with you but I know you're busy. So, I have listed below the status of these projects and have enclosed copies of documents that are presently in my possession:

#### Erie County Water Authority:

I have enclosed a copy of a Categorical Exclusion (CATEX) for this project that was issued on July 25, 2008 and a copy of the Authority's CATEX request letter dated May 21, 2008 (w/ attachments).

The project is for the installation of an emergency generator and above-ground diesel storage tank and construction of a 58-foot by 38-foot enclosure (2,204 square feet) on a concrete pad to house the generator. A grant was awarded to the Authority on September 18, 2008 in the amount of \$ 477,000.

#### Town of Geneva:

Based upon our last conversation with the Town, their proposed project consists of constructing new water supply lines to service approx. 22 homes within Water District 12. The Town has neither submitted a grant application nor the required NEPA documentation.

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#### Village of Lyndonville:

The Village's proposed project consists of the replacement and/or upgrade of various components at their existing wastewater treatment plant. I have enclosed a copy of a letter dated December 4, 2008 from the Village that addresses the specific scope of work and the funding available for this project. I have also enclosed a site plan of the Village's plant and a copy of their January 13, 2009 letter requesting a Categorical Exclusion from substantive environmental review requirements of NEPA since all of the proposed work will be within the plant site. The Village has not submitted a grant application.

#### Monroe County Water Authority:

A grant was awarded to the Authority on September 13, 2007 in the amount of \$ 5,760,500 for the Authority's proposed Eastside Water Supply project (i.e., intake tunnel, pump station, water treatment plant and water transmission mains) to provide a reliable source of drinking water to the eastern portion of Monroe County. The Authority has submitted an Environmental Information Document (NEPA) which is currently under review by EPA.

I have enclosed info regarding the project components and location as well as copies of two SHPO letters issued in 1995 and in 2006.

Should you have any questions regarding these projects or need copies of any other documents, please feel free to contact me at 212-637-3836 or via email at mello.john@epa.gov.

Sincerely yours,

John C. Mello, Chief

Special Projects Section

Drinking Water & Municipal Infrastructure Branch

Enclosures



# Seneca Nation Tribal Historic Preservation

467 Center St. Salamanca, NY 14779
Phone: (716) 945-9427 • 涓線: 17162945-935 8: 10
E-mail: snithpo@sni.org

..... PROGRAMS BRAG III

August 22, 2008

Mr. John C. Mello, Chief

**Special Projects Section** 

USEPA, Region 2

290 Broadway, NY 10007-1866

2008 AUG 28 PM 3: 10

REFERENCE: Erie County Water Authority, Town of Geneva, Village of Lyndonville, and Monroe County Water Authority

Dear Sir:

Greetings, I hope this letter finds you in good health. In reference to your letter dated March 31, 2008 for the projects noted we would like an update on the status of each project, such as location and proposed work. Were archeological surveys conducted? If so we request a copy of those reports. All of the above lies within the Seneca Nations aboriginal territory.

These comments are provided under Section 106 of the National Historic Preservation Act, as amended.

Sincerely,

Kathy Mitchell

Seneca Nation Tribal Historic Preservation Office

### **Community of Concern: Penfield**

#### **EPA Region 2 Environmental Justice Analysis**

The Region 2 Environmental Justice (EJ) Analysis supports EPA Region 2's Interim Policy for Environmental Justice (IP) The specific community that is under evaluation for inclusion in the Region's EJ program is referred to as the Community of Concern (COC) in the IP. The evaluation process hinges on the comparison of the respective levels of the environmental burden, minority representation, and low-income representation between the COC and its statistical reference area.

For environmental burden analysis, Region 2 advances the concept of an "Environmental Load Profile (ELP)". The profile would provide a representation of the environmental load (i.e. relative environmental burden) within a community. The ELP serves to identify communities that may bear a disproportionate environmental load in comparison to statewide-derived thresholds. Currently, the Environmental Load Profile consists of the following three indicators: Toxics Release Inventory (TRI) Air Emissions, Air Toxics, and Facility Density. The ELP generates a summary report that provides numeric values for state thresholds, indicator of the community of concern (COC Indicator), and the ranking of the community in the state. These calculated values not only identify whether the particular community meets an ELP threshold, but further upon exceedance, the indicator value is ranked to provide a measure of magnitude.

#### **Environmental Load Analysis**

Indicators	NY State Threshold	COC Indicator	Ranking
TRI Indicator:	5.67	32.47	9
Facility Density Indicator:	56	78.51	2
Air Toxics Cancer Indicator:	63.55	41.28	0
Air Toxics Non_cancer Indicator:	11.3	8.4	0

The demographic analysis calculates the percent minority and percent poverty for the COC and compared to an appropriate statistical reference. Statistical reference for percent minority and percent poverty were calculated for each state in EPA Region 2 using cluster analysis. Separate statistical references for rural and urban settings were developed for evaluating percent minority. The location of the COC determines which statistical reference area is used.

#### **Demographic Analysis**

Indicators	NY State Thresholds	<b>COC</b> Indicator	Urban/Rural
Percent Minority:	51.51	7.02	urban
Percent Poverty:	23.59	4.78	urban





Percent Minority NY Urban Cutoff: 51.51%

COC: 7.46%

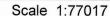
Percent Below Poverty NY Cutoff: 23.59%

COC: 3.69%

Legend

Ntown8.shp

Not an EJ area
Potential EJ area





This computer representation has been complied by the Environmental Protection Agency (EPA) from sources which have supplied data or information that has not been verified by the EPA. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

The EPA does not guarantee the accuracy completeness or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Town of Penfield EJ Demographics

## **Community of Concern: Webster**

#### **EPA Region 2 Environmental Justice Analysis**

The Region 2 Environmental Justice (EJ) Analysis supports EPA Region 2's Interim Policy for Environmental Justice (IP) The specific community that is under evaluation for inclusion in the Region's EJ program is referred to as the Community of Concern (COC) in the IP. The evaluation process hinges on the comparison of the respective levels of the environmental burden, minority representation, and low-income representation between the COC and its statistical reference area.

For environmental burden analysis, Region 2 advances the concept of an "Environmental Load Profile (ELP)". The profile would provide a representation of the environmental load (i.e. relative environmental burden) within a community. The ELP serves to identify communities that may bear a disproportionate environmental load in comparison to statewide-derived thresholds. Currently, the Environmental Load Profile consists of the following three indicators: Toxics Release Inventory (TRI) Air Emissions, Air Toxics, and Facility Density. The ELP generates a summary report that provides numeric values for state thresholds, indicator of the community of concern (COC Indicator), and the ranking of the community in the state. These calculated values not only identify whether the particular community meets an ELP threshold, but further upon exceedance, the indicator value is ranked to provide a measure of magnitude.

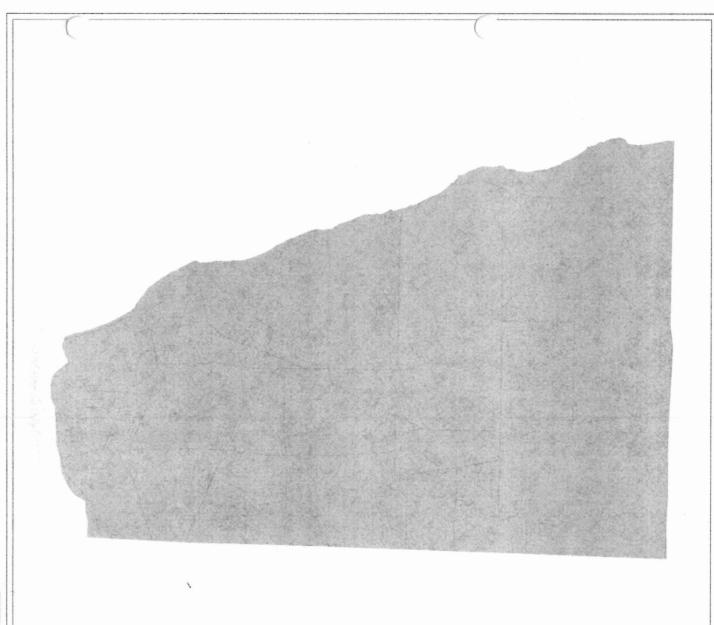
#### **Environmental Load Analysis**

Indicators	NY State Threshold	<b>COC</b> Indicator	Ranking	
TRI Indicator:	5.67	34.48	9	
Facility Density Indicator:	56	56.62	1	
Air Toxics Cancer Indicator:	63.55	43.28	0	
Air Toxics Non_cancer Indicator:	11.3	8.73	0	

The demographic analysis calculates the percent minority and percent poverty for the COC and compared to an appropriate statistical reference. Statistical reference for percent minority and percent poverty were calculated for each state in EPA Region 2 using cluster analysis. Separate statistical references for rural and urban settings were developed for evaluating percent minority. The location of the COC determines which statistical reference area is used.

#### **Demographic Analysis**

Indicators	NY State Thresholds	<b>COC</b> Indicator	Urban/Rural
Percent Minority:	51.51	5.28	urban
Percent Poverty:	23.59	3.98	urban





Percent Minority NY Urban Cutoff: 51.51% COC: 5.915%

Percent Below Poverty NY Cutoff: 23.59% COC: 3.905%

Legend

Ntown7.shp

Not an EJ area

Potential EJ area



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The EPA does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance. Scale 1:79394

Town of Webster EJ Demographics

:\*



Percent Minority NY Urban Cutoff: 51.51% COC: 23.06%

Percent Below Poverty NY Cutoff: 23.59% COC: 11.18%

Legend

Ntown9.shp

Not an EJ area
Potential EJ area

Scale 1:308412



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Monroe County Overall County EJ Demongraphics



# **Public Notice**

Applicant:

Monroe County Water Authority Published: MAY 8, 2009 Expires: JUNE 8, 2009

U.S. Army Corps of Engineers Buffalo District CELRB-TD-R

Application No: 2005-01765

Section: NY

All written comments should reference the above Application No. and be addressed to: Buffalo District U.S. Army Corps of Engineers Regulatory Branch (Attn: Joseph W. Krawczyk) 1776 Niagara Street Buffalo, New York 14207-3199

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The Monroe County Water Authority (MCWA), 475 Norris Drive, Rochester, New York 14610-0999, has requested a Department of the Army permit to place a water intake crib structure and diffuser (and associated rip-rap protection with both), on the bed of Lake Ontario; to permanently impact approximately 3.80 acres of federal wetland; to temporarily impact approximately 4.73 acres of Federal wetland; and to temporarily impact approximately 95 feet of stream, all in association with the construction of the *East Side Water Supply Project*. The proposed project is located along various roads in the Towns of Webster and Penfield, Monroe County, New York

The completed East Side Water Supply Project, will consist of a lake water intake system, a raw lake water transmission system, a water treatment system, and a finished (potable) water transmission system. The project will utilize Lake Ontario as the water supply source and will integrate with existing facilities developed by the MCWA over the past 40 years. A more detailed description of the project components and the proposed (permanent and temporary) impacts to waters of the United follows:

- 1) Water intake system Tunnel: The tunnel will be approximately 8 feet in diameter and will extend approximately 5,000 feet from the shoreline into Lake Ontario. The tunnel will be excavated through bedrock beneath the lakebed.
- 2) Water intake system Crib: A crib structure measuring approximately 30 feet wide, by 30 feet long, by 17 feet high, will be installed on the bed of Lake Ontario in approximately 50

feet of water. Rip-rap material will be placed around both the intake pipe and around the base of the crib structure. The crib structure is needed to prevent large debris and aquatic life from entering into the water intake tunnel. Rip-rap material will be placed around the base of the proposed crib structure and around the intake pipe itself (attached sheet 2 of 35).

- 3) Water intake system Riser Well: The riser well will be the landward vertical segment of the lake water intake tunnel. Water from the intake tunnel will move upward through the riser well and into an approximately 200 linear foot, 8 foot diameter, horizontal tunnel that will convey the (raw) lake water to the proposed Lake Water Pump Station (LWPS). This portion of the proposed project will not entail a discharge of fill material into a water of the United States and will not require Department of the Army authorization.
- 4) Lake Water Pumping Station (LWPS): A LWPS is proposed on a 27-acre parcel of land, located on the north side of Lake Road, in the Town of Webster. The footprint of the proposed plant will permanently impact 0.79 acre of Federal wetland (attached sheets 3 and 5 of 35).
- 5) Raw lake water transmission system and backwash return line: A raw lake water transmission line will consist of a 54 to 60-inch diameter pipeline that will extend approximately 16,000 linear feet (3.03 miles) south from the LWPS to the proposed Water Treatment Plant (WTP). The backwash return line will also extend approximately 16,000 linear feet north from the WTP to the LWPS. These lines will temporarily impact approximately 1.18 acres of Federal wetland from line installation and temporary construction access roads (attached sheets 3 and 5 of 35).
- 6) LWPS return line: A 24 inch diameter transmission line conveying WTP filter backwash and LWPS site drainage will be extended lake-ward, supported within the intake tunnel for a distance of approximately 3,500 linear feet, where it will terminate at an outfall diffuser located at an approximate depth of 33 feet. The diffuser pipe will require the placement of rip-rap stone protection (in an approximately 12 food radius around the diffuser pipe).
- 7) Water Treatment Plant (WTP): AWTP will be constructed on a 42-acre parcel owned by the Monroe County Water Authority. The parcel is located along the west side of Basket Road, in the Town of Webster. The proposed plant will permanently impact 3.01 acres of Federal wetland (attached sheets 7 and 17 of 35).
- 8) Finished Water Transmission Mains: Approximately 41,225 linear feet (7.8 miles) of finished water transmission mains are proposed for conveying potable water from the WTP site to the Authority's existing transmission and distribution system in the Towns of Webster and Penfield. A majority of the proposed transmission mains will be 54-inches in diameter. The finished transmission mains will temporarily impact 3.55 acres of Federal wetlands from line installation and temporary construction access roads (attached sheets 1 and 3-16 of 35).
- 9) Stream Crossings and Transmission Lines: Collectively, the installation of all the transmission lines discussed above will involve 13 separate stream crossings, varying in width from a minimum crossing of 3 feet to a maximum of 20 feet. Collectively, the stream crossings will total 95 feet of temporary stream impacts (see the stream crossing impact table on attached sheet 22 of 35).

<u>Project Purpose</u>: The stated purpose of the project is to provide a new source of drinking water supply that will increase the capacity, reliability, and security of the Monroe County Water Authority's water production, transmission, and distribution systems. The new water supply facilities will be developed in stages with an initial capacity of 50 million gallons per day and an ultimate capacity of 150 million gallons per day.

Site History: There are no previous Corps permits issued for any portion of the proposed project.

Wetland Delineation: A Federal wetland delineation was field verified by the Corps of Engineers on May 31 and June 1, 2006 (a Wetland Boundary Verification and Jurisdictional Determination Letter was sent to the applicant on May 2, 2007). The delineation identified a total of 44 wetland areas, of which 34 were determined to be jurisdictional (for a total of 12.12 acres of jurisdictional wetlands), 5 were determined to be isolated, and 5 were determined to be located outside of the project area (and therefore were not included as part of the jurisdictional determination). The proposed project will permanently impact 1.09 acres of emergent wetland, 1.87 acres of scrub-shrub, and 0.84 acre of forested wetland (for a total wetland impact of 3.80 acres). The project will also temporarily impact 4.73 acres of wetlands of various types.

Project: The MCWS is proposing the construction of the East Side Water Supply Project.

<u>Alternatives</u>: The MCWA conducted an alternatives analysis for the proposed project, in which they considered alternate sites for the water supply project. Due to the following constraining variables, this present location was selected:

- Siting of the facilities in the eastern portion of Monroe County to maximize the capacity and reliability of the Authority's system.
- Proximity of a Lake Ontario
- Siting of the interconnected system components proximal to each other to maximize the
  efficient use of public funds
- · Utilization of existing land acquisitions and easements
- Overall project cost

In addition to the consideration of alternate sites, the MCWA also evaluated and considered possible alternative pipeline alignments. Based in the evaluation, the MCWA determined that the currently proposed alignment provides the best balance of environmental issues with social, engineering, and economic considerations.

Mitigation: To mitigate for the proposed impacts, the applicant proposes to construct a total of 9.28 acres of wetland mitigation (attached sheets 23-31 of 35). The wetland mitigation will be comprised of 2.18 acres of emergent wetland area; 3.74 acres of scrub-shrub wetland area and 3.36 acres of forested wetland area. The mitigation represents a ratio of 2:1 for emergent and scrub-shrub wetland impacts and 4:1 for forested wetland impacts.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Joseph W. Krawczyk, who can be contacted at the above address, by calling (716) 879-4186, or by e-mail at: joseph.w.krawczyk@usace.army.mil. A

lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. General Concurrence was issued by the New York State Department of State for this work on March 27, 2006 (DOS reference number F-2005-1059). Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

New York Department of State Division of Coastal Resources Coastal Management Program One Commerce Plaza 99 Washington Avenue Albany, NY 12231 Attn: Consistency Review Telephone (518) 486-3200

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior

\* Mr. Jeda 1

or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

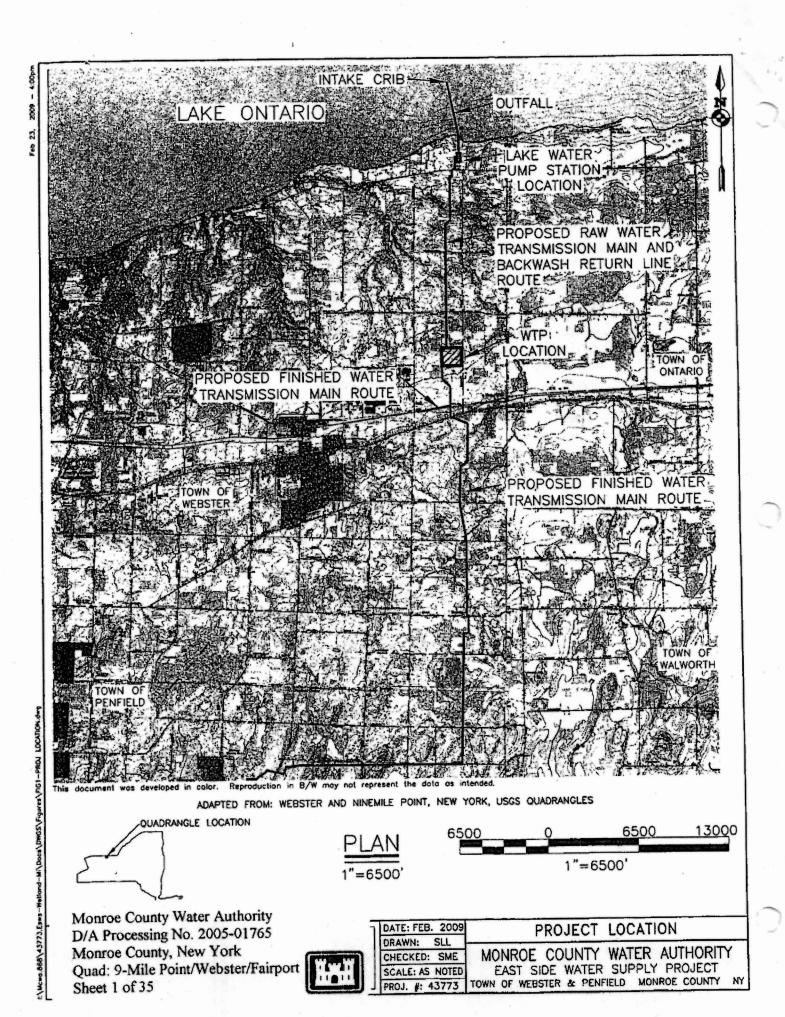
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

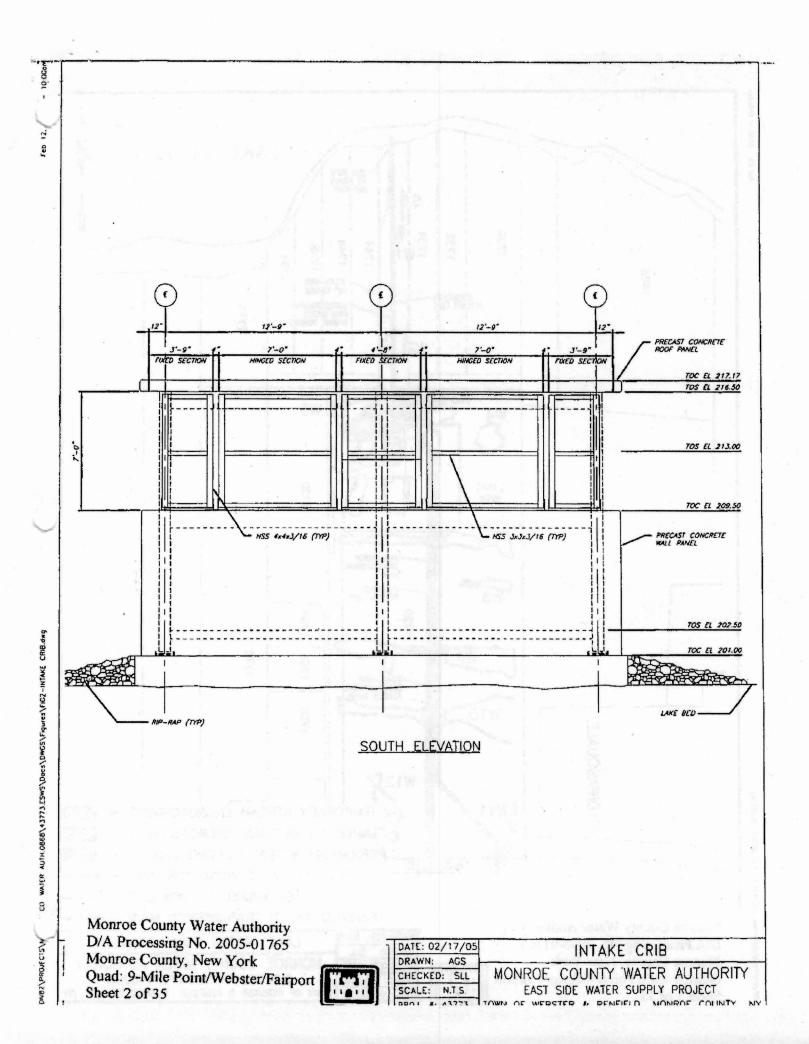
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

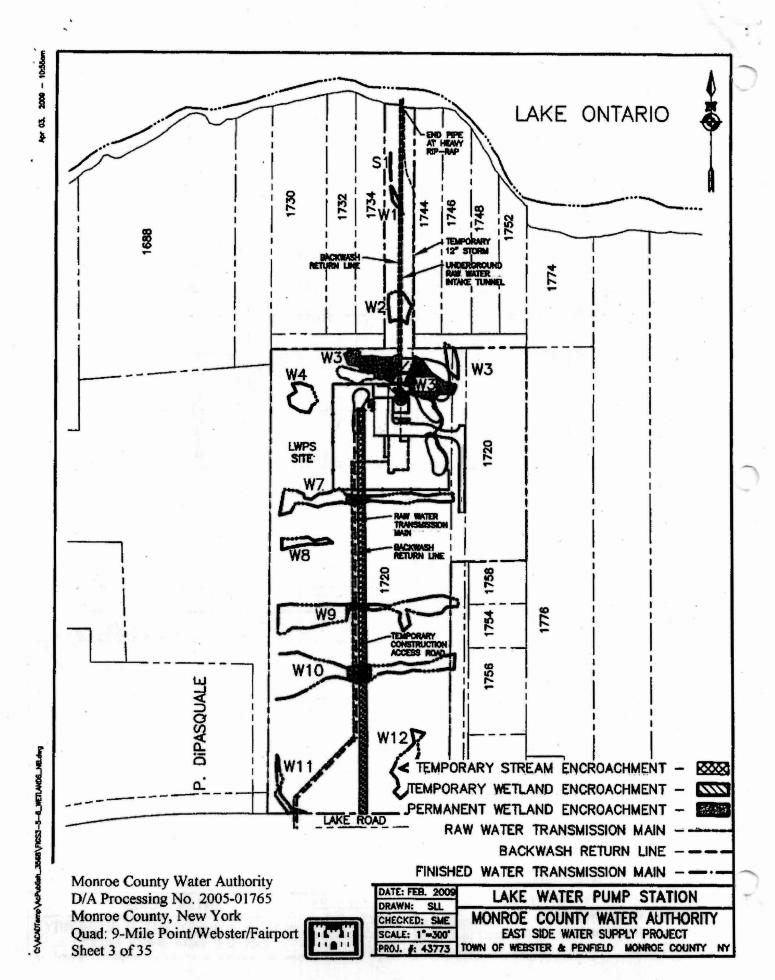
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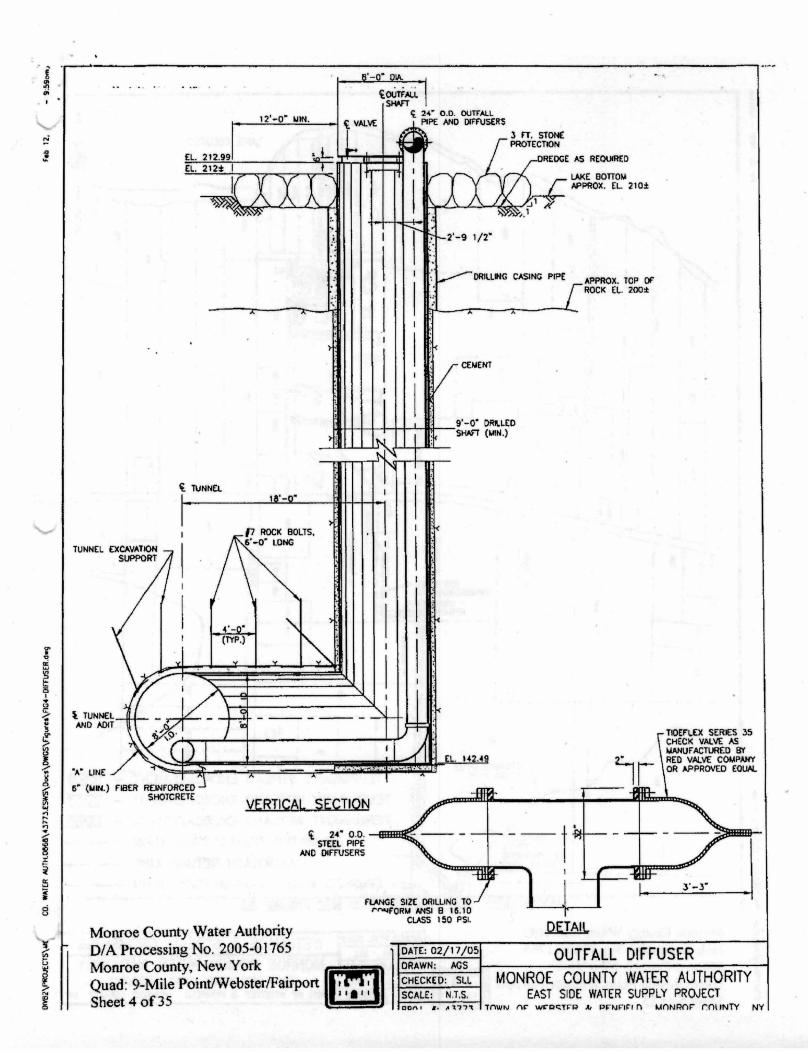
Thomas C. Switala Chief, Regulatory Branch

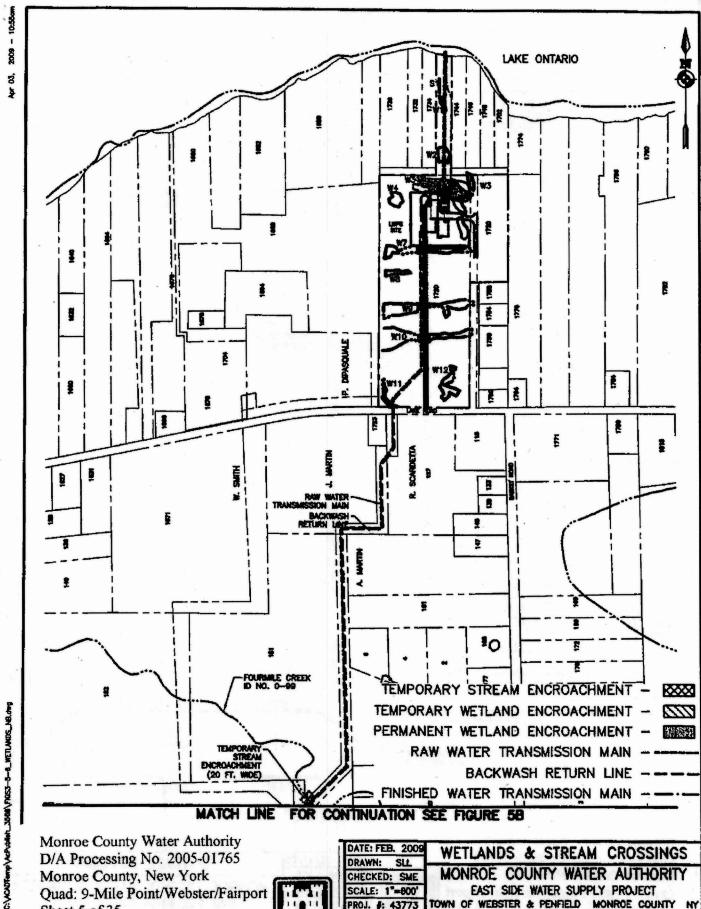
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.









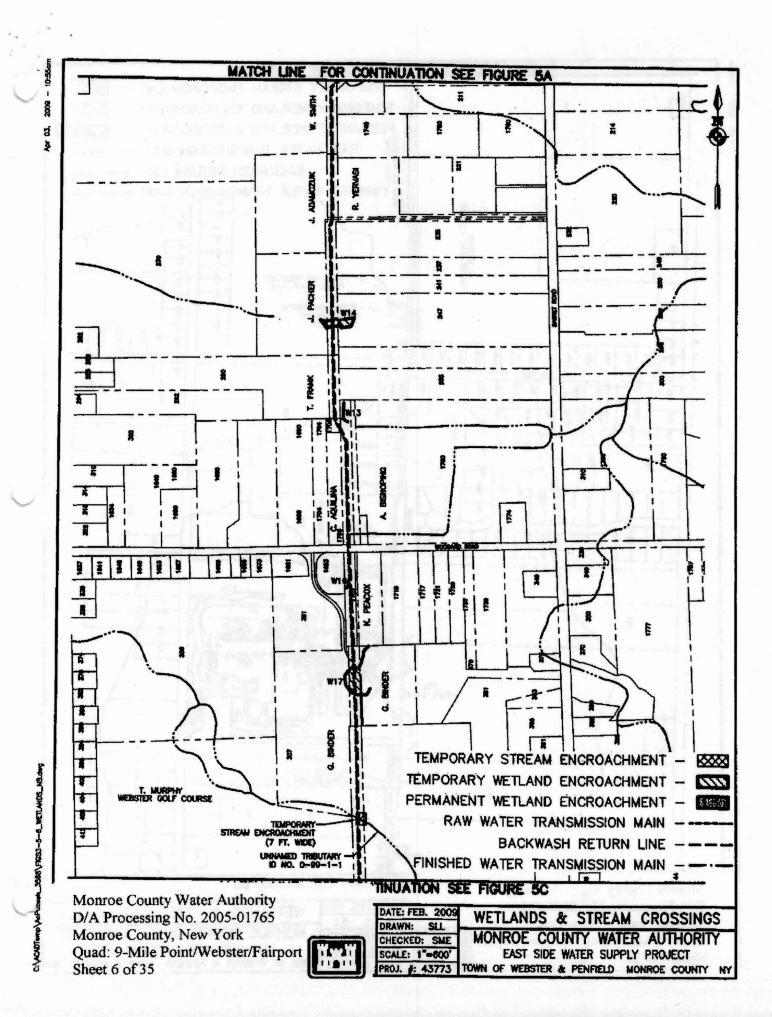


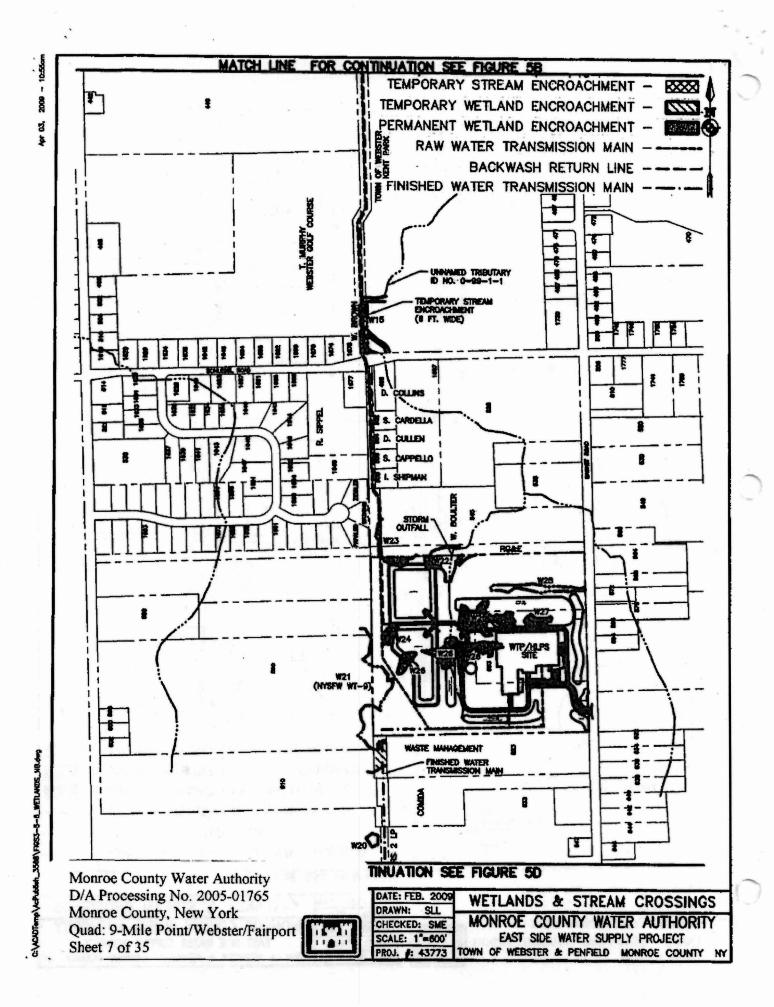
Monroe County Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 5 of 35

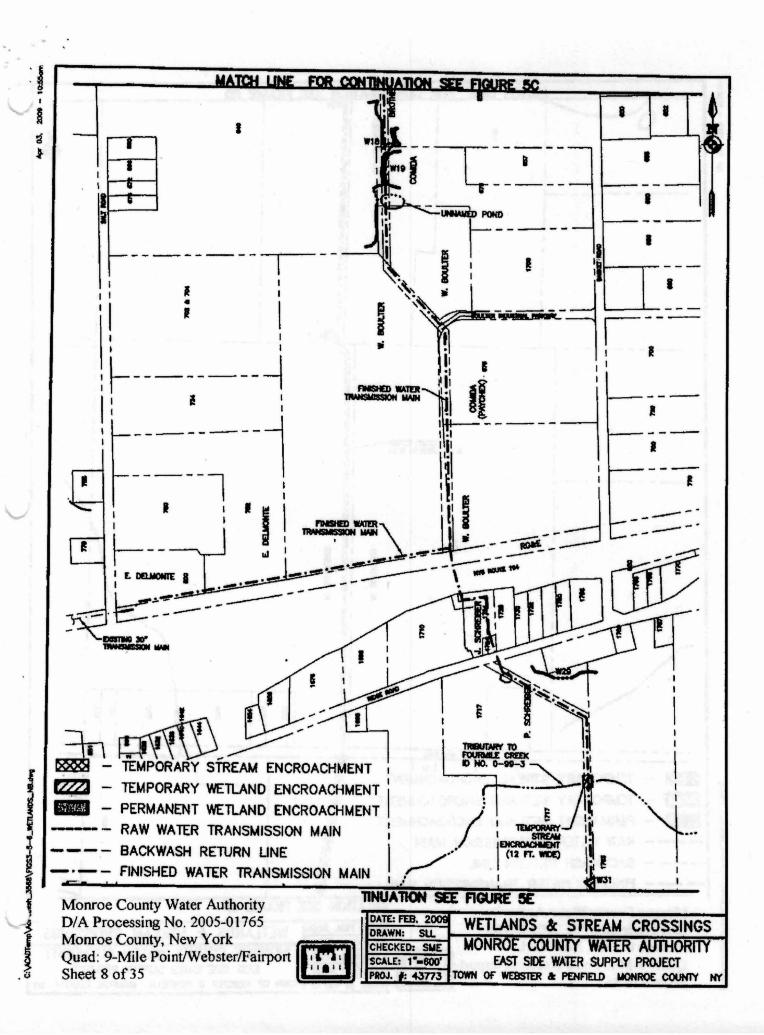


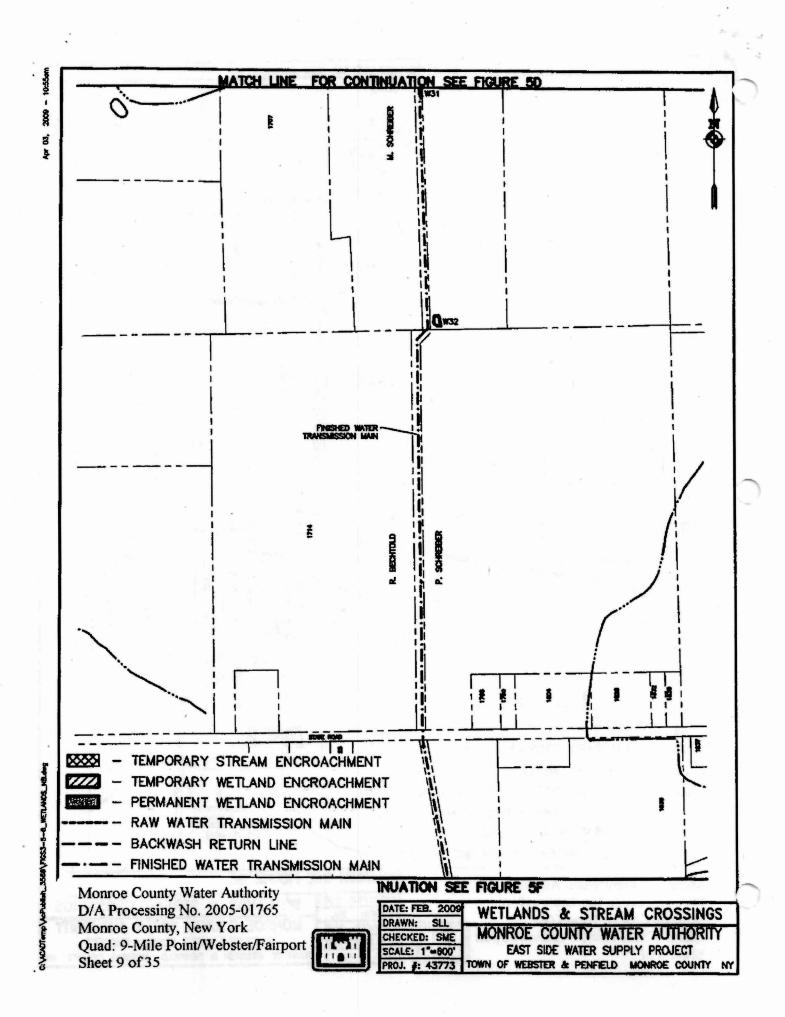
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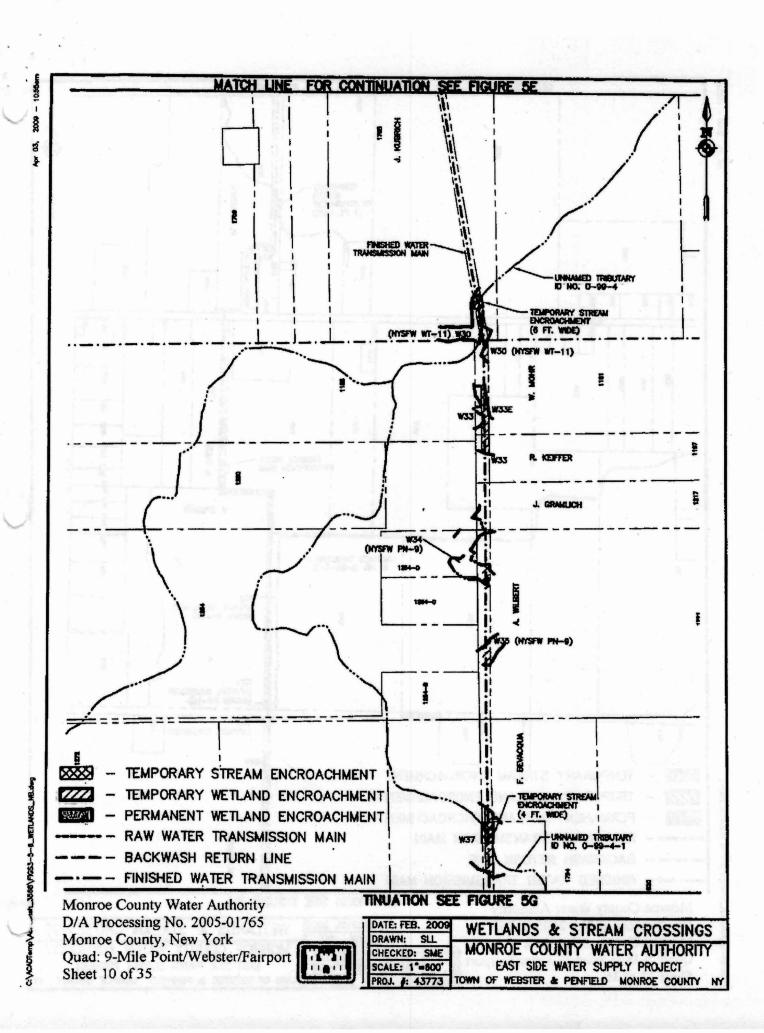
WETLANDS & STREAM **CROSSINGS** MONROE COUNTY WATER AUTHORITY EAST SIDE WATER SUPPLY PROJECT TOWN OF WEBSTER & PENFIELD MONROE COUNTY MY

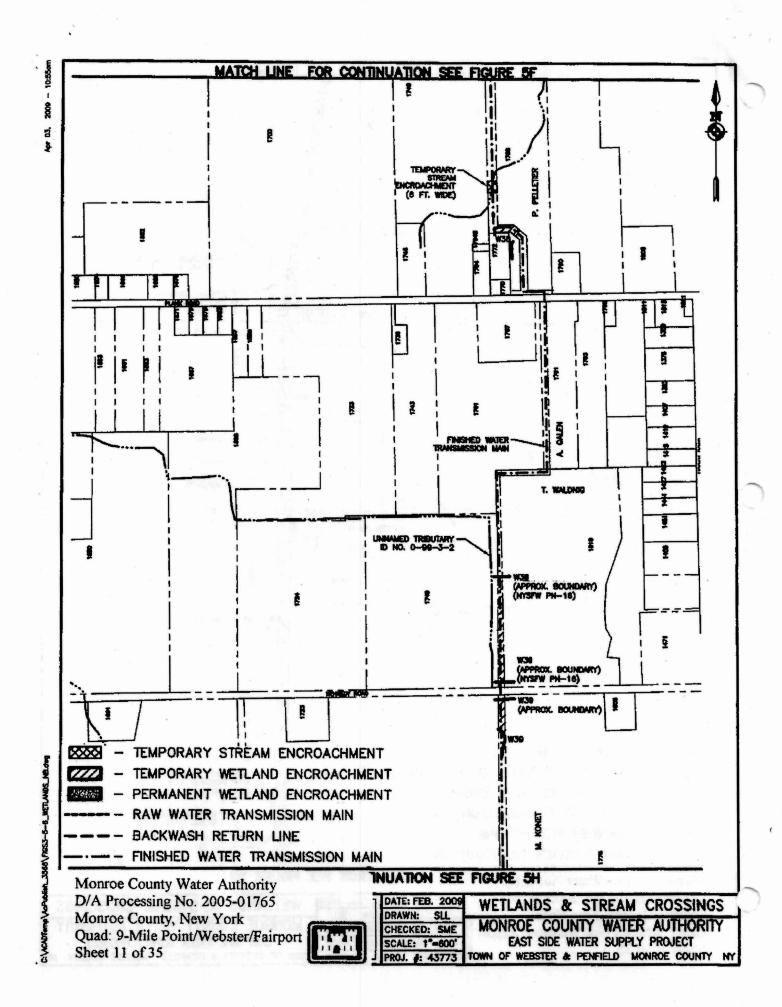


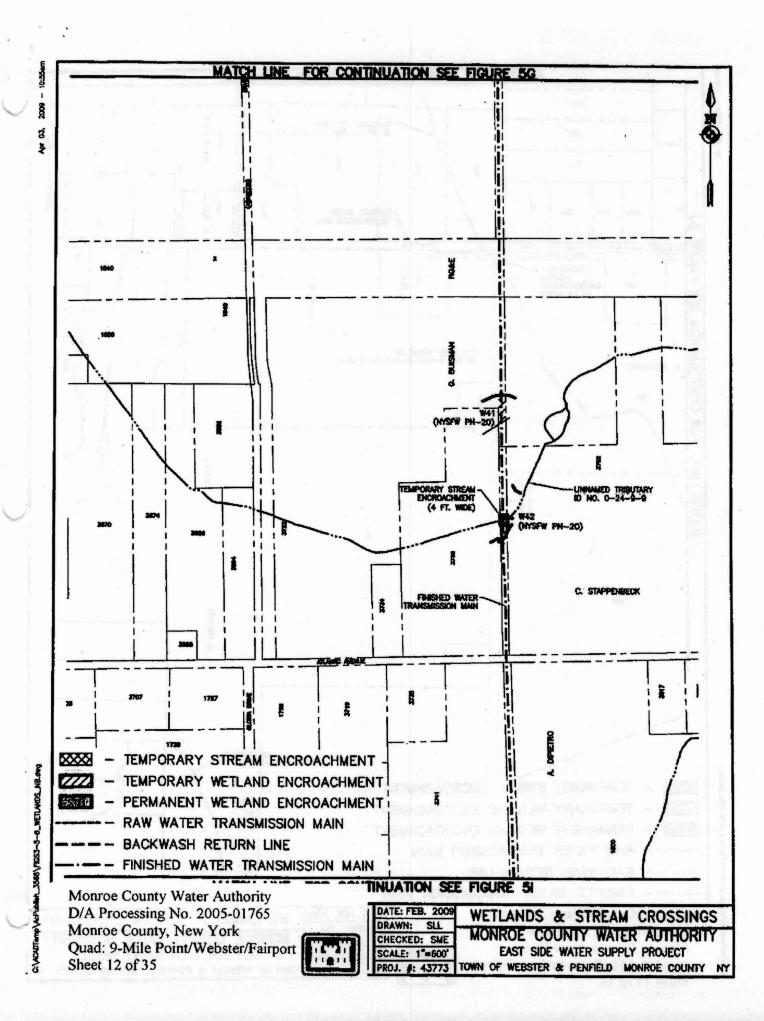


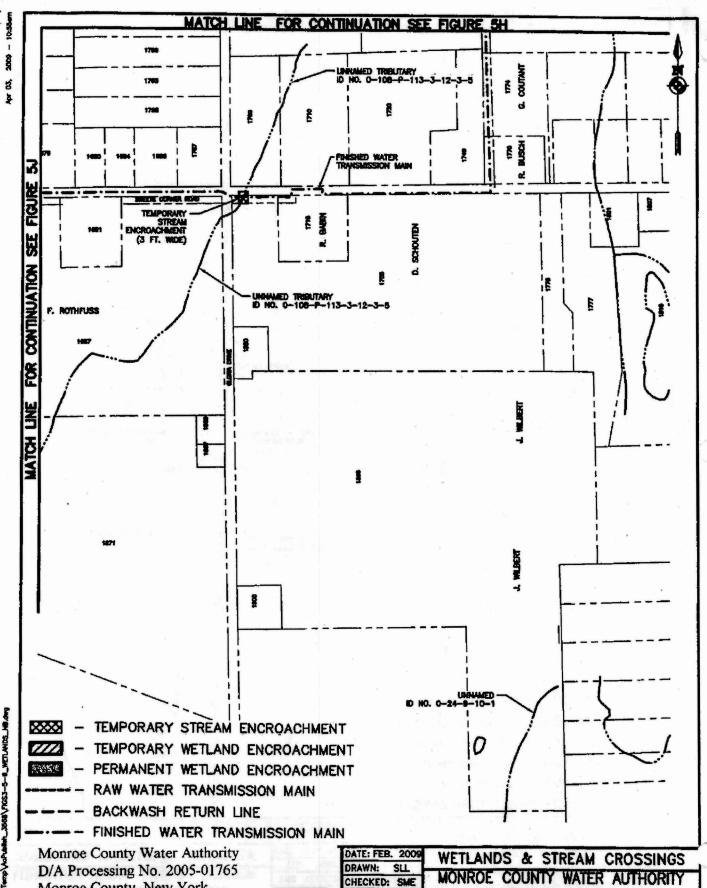












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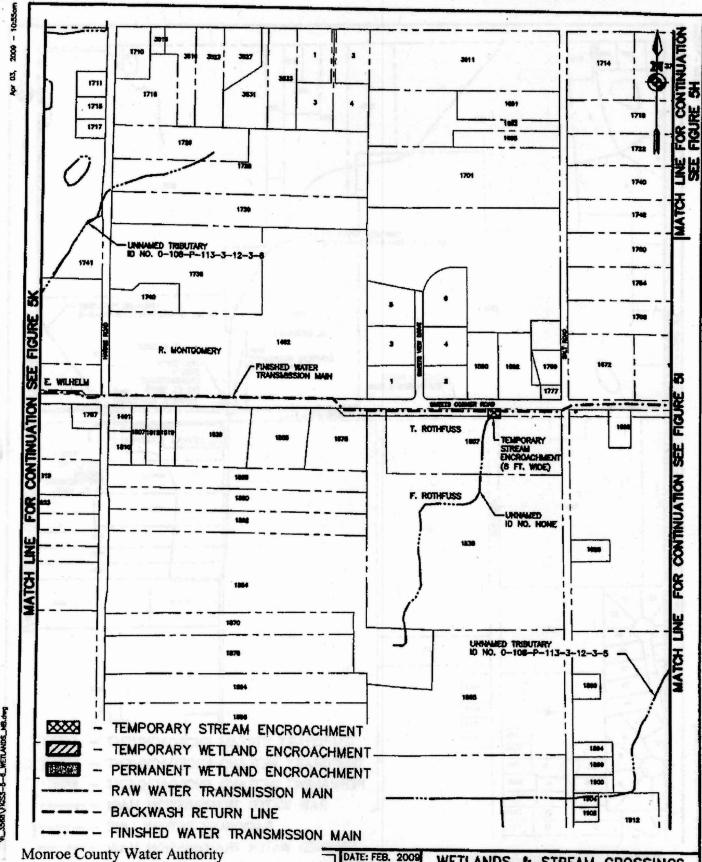
EAST SIDE WATER SUPPLY PROJECT

TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY

Monroe County, New York

Sheet 13 of 35

Quad: 9-Mile Point/Webster/Fairport

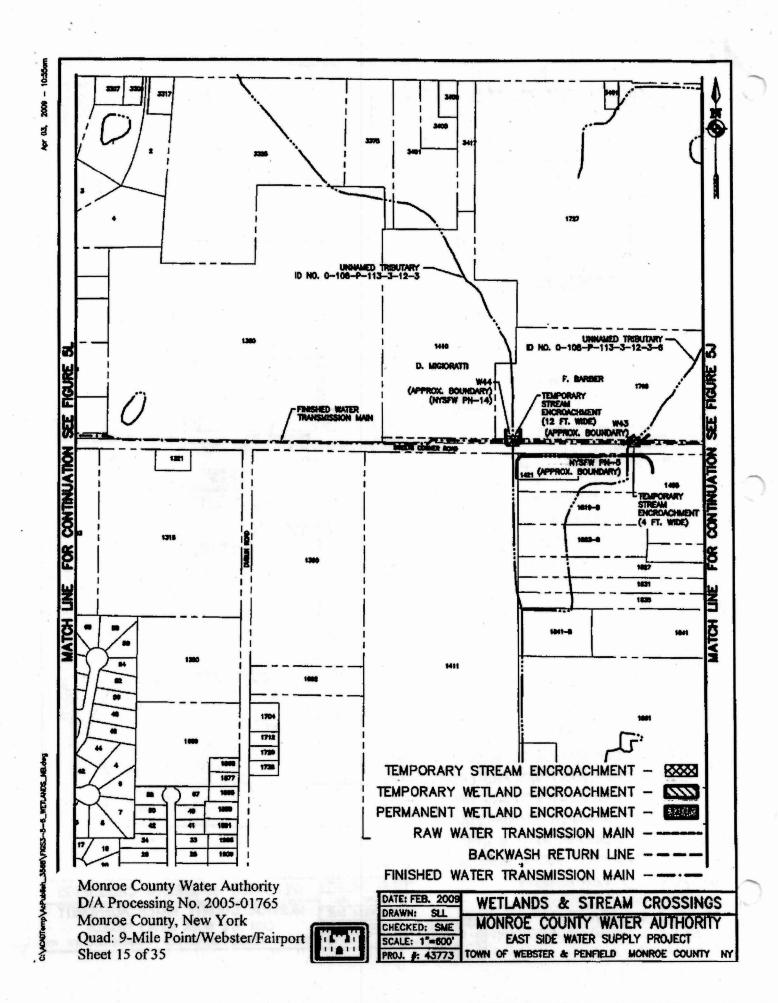


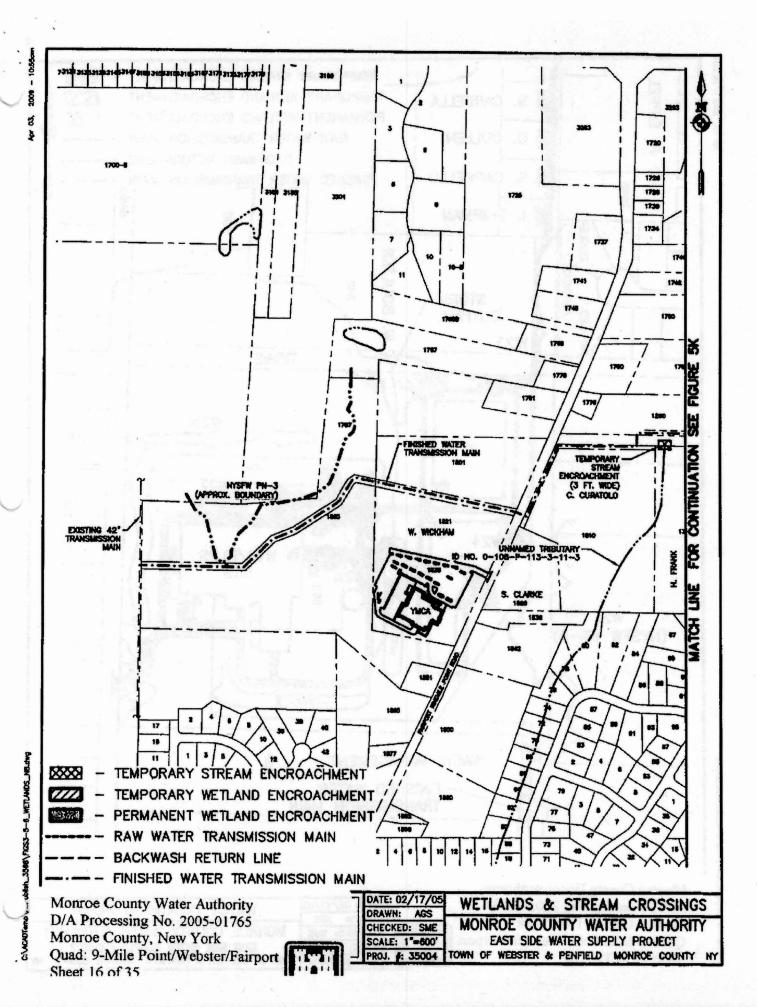
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PROJ. #: 43773

WETLANDS & STREAM CROSSINGS
MONROE COUNTY WATER AUTHORITY
EAST SIDE WATER SUPPLY PROJECT
TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY





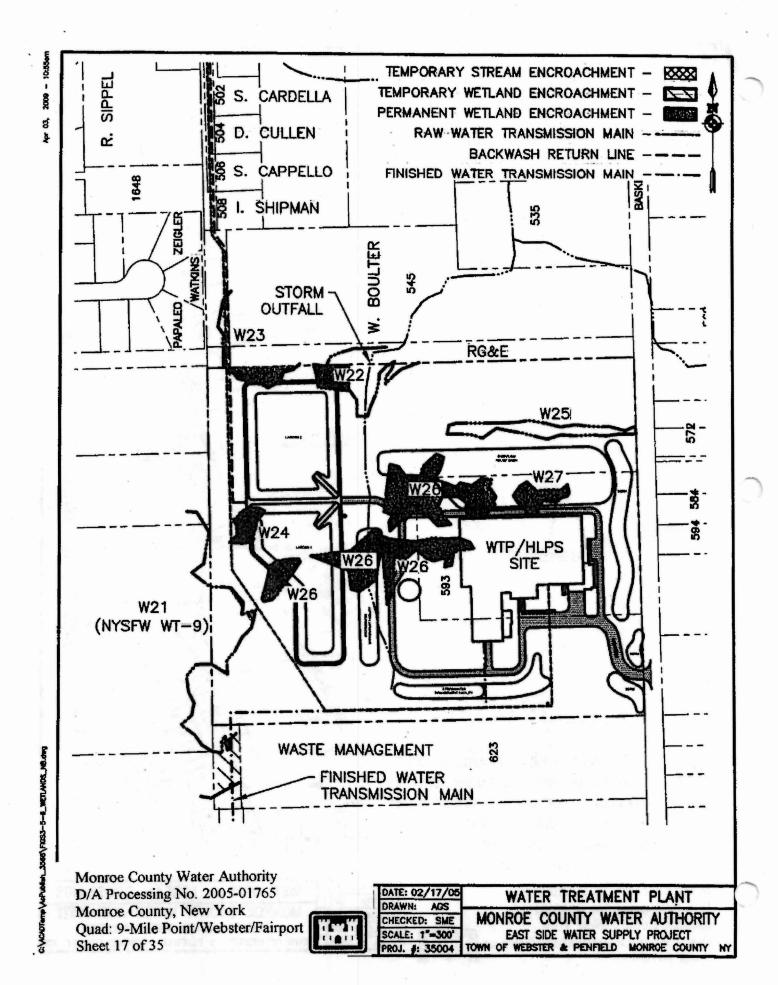


Table 1. ESWSP - Project Area Wetlands.

On all and		Total		Temporary	Permanent En	Area (ac)	
Project Component	Federal Wetland	Wetland Acreage <sup>1</sup>	Existing Covertype <sup>2</sup>	Encroachment Area (ac)	Emergent	Scrub- Shrub	Forested
LWPS	W1	0.03	PSS/PFO				
LWPS	W2	0.16	PSS/PFO				
LWPS	W3	0.65	PSS/PEM	•••	7 117	***	
LWPS	W4	0.16			0.265	0.265	
LWPS	W7		PSS				
LWPS	W8	0.45	PSS/PEM		0.05	0.05	
LWPS		0.09	PSS		***		
LWPS	W9	0.74	PFO/PSS			0.015	0.015
	W10	0.86	PFO/PSS			0.05	0.05
LWPS	W11	80.0	PSS		<b></b>	0.03	
LWPS	W12	0.27	PFO	***			
Raw Water	W13	0.003	PEM	•••			
Raw Water	W14	0.24	PFO	0.24			
Raw Water	W15	0.27	PSS/PEM	0.27	•••		
Raw Water	W16	$0.00^{3}$	PEM				
Raw Water	W17	0.30	PFO	0.30			
Finished Water	W18	0.13	PFO/PEM	0.13			
Finished Water	W19	0.09	PEM	0.09			
Finished Water	W20	0.003	PEM				
VTP/Finished Water	W21	0.32	PFO	0.32			
WTP.	W22	0.62	PSS			0.25	
Raw Water	W23	0.37	PFO/PSS	0.37		···	P
WTP	W24	0.19	PSS		***	0.19	
WTP	W25	0.52	PSS/PFO				
	70000		PEM/PSS/				***
WTP	W26	2.32	PFO		0.773	0.773	0.773
WTP	W27	0.25	PSS	•••	***	0.25	
Finished	14100					0.23	***
Water	W29	0.003	PEM	Mary Committee (1997)	g or b <del>arl</del> awar	mb-lo U	•••
Finished Water	W30	0.36	PSS/PFO	0.36			
Finished Water	W31	0.08	PEM	0.08			
Finished Water	W32	0.003	PEM	e ka menji toofk	sant * a val		
Finished Water	W33	0.23	PFO	0.23			
Finished Water	W34	0.15	PFO	0.15	MA.		
Finished Water	W35	0.17	PFO	0.17	sys ef <del>a</del> dao s		
Finished Water	W37	0.52	PFO	0.52			
Finished Water	W38	0.18	PEM	0.18	North Langue	90°	
Finished Water	W39	0.89	PFO/PSS	0.89			***
Finished Water	W41	0.17	PFO	0.17	tha fessions		
Finished Water	W42	0.13	PFO	0.13	en francisk y		
Finished Water	W43	0.06	PFO	0.06			
Finished Water	W44	0.07	PSS/PFO	0.07			
TOTALS		12.12				ger man many that have been made on a six or	

The wetland acreage was not quantified because the pipeline was routed to avoid the wetland entirely.

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Based on Federal Wetland Delineation performed by O'Brien & Gere and the May 2, 2007 Jurisdictional Determination from the USACE.

Palustrine wetland covertypes are designated as: forested = PFO; scrub-shrub = PSS; emergent = PEM.

# Monroe County Water Authority

# **East Side Water Supply Project**

# **Stream Crossings**

#### Construction materials and procedures

Proposed alignments for the raw and finished water transmission mains require perpendicular crossings of tributaries within the Lake Ontario watershed (see Figures 5A to 5L). Three potential stream crossing methodologies have been identified:

- Wet open-cut crossing method this method will result in impacts to the stream which can be
  minimized with proper erosion and sedimentation control techniques. This method entails the
  excavation and backfill of the trench through the stream bed with continuous flow of the stream.
  Potential impacts associated with this method include disruption of stream bed, siltation impacts
  downstream of construction, erosion of disturbed stream banks, and temporary displacement of
  aquatic flora and fauna.
- 2. Dry open-cut crossing method this method will most likely result in lesser impacts to the stream compared with the wet open-cut method. With this method, the stream flow over the stream bed is stopped upstream of the excavation area and diverted over or around the work area. This allows excavation and backfill of the stream bed to proceed without the flow of the stream over the work area. Potential impacts associated with this method include disruption of stream bed, erosion of disturbed stream banks, temporary diversion of stream flow, and the temporary displacement of aquatic flora and fauna.
- 3. Boring method The relatively low and intermittent flow of streams in the project area would not support the expense and extensive staging requirements for a stream boring. The impacts from the large boring pit excavation near the stream and side slopes would likely result in impacts greater than the dry or wet-open-cut method.

The intermittent stream crossings are typically accomplished using the wet open-cut method because of the small size and low flows of these streams and the character of the adjacent lands. However, if the flow conditions are high in the stream during the anticipated crossing period, it is likely that the dry open-cut crossing method will be used or the crossing delayed until flows decrease sufficiently for the wet open-cut method. While the work area width required to complete these crossings will be minimized, it is anticipated that the average work area will be 30-feet wide.

The aquatic ecology of sites where the pipeline and associated easements cross or run contiguous to existing streams may be temporarily disrupted during the construction phase of the project. Mitigation procedures will be incorporated into plans such that impacts are minimal and short-lived.

If the dry open-cut crossing method is used, the diversion of natural stream flows during construction can result in embankment erosion and subsequent increases in turbidity and siltation. Both the dry and wet open cut methods have the potential to interrupt fish movements (as minimal as they may be) during installation. Again, mitigation measures will be taken to avoid the occurrence of such disruptive processes.

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Once construction activity in and around a stream segment is complete, restoration of the stream bank will commence. Grades will be returned to original levels unless otherwise directed. Exposed bank soils will be seeded, mulched, and secured as conditions require such that banks are returned to preconstruction conditions as soon as possible. Additional mitigation measures are summarized below.

## Construction sequencing

Stream crossings will be performed in accordance with the following general sequence:

- Installation of E&SC features
- Pipeline installation activities
- Site restoration
- Removal of E&SC features.

A typical stream crossing detail is illustrated on Figure 7.

### Mitigation

The overall impact from construction of the supply and return lines on the aquatic habitats found along the proposed pipeline corridor will be minimal and limited to the period of installation and restoration. Impacts at pipeline stream crossings will vary with the construction method used to install the pipeline across the stream.

Water transmission routes were selected, in part, to minimize the need for stream crossings. Whenever necessary, stream crossings will be performed, to the extent practicable, perpendicular to the stream channel. In addition, the following measures will be implemented:

- To minimize disturbance of the life cycle of resident upstream trout populations, stream crossing activity on the tributaries of Fourmile Creek (O-99-1 and O-99-1-1) will be avoided between October 1 and June 15. In addition, efforts will be made to conduct the crossings during dry weather to minimize the potential for sediment contamination. Weather conditions will be monitored prior to crossing so that should heavy rain be forecasted, construction activities can be postponed or rescheduled.
- Refueling of equipment and handling of hydraulic or engine fluids will not be permitted within 100-feet of streams. Absorbent booms will be stored on-site during construction in case of a leak or spill.
- Installation of trench breakers and diversion berms as needed to avoid erosion of trench.
- Placement of silt fencing and hay bales on stream banks as needed.
- Leaving stream banks intact until trenching activities are to commence.
- Use of erosion control matting on stream bottoms for construction vehicles and machinery.
- Placement of temporary turbidity curtains in streams during trenching activity.
- Locating spoil piles away from stream banks. Should insufficient space be available, spoil will be transported off-site.
- Protection of slopes by installing erosion control matting or equivalent technology as conditions demand.
- Pumping of turbid water from trench or boring locations into adjacent sediment traps prior to release into stream.

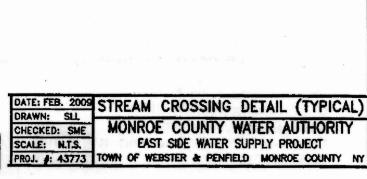
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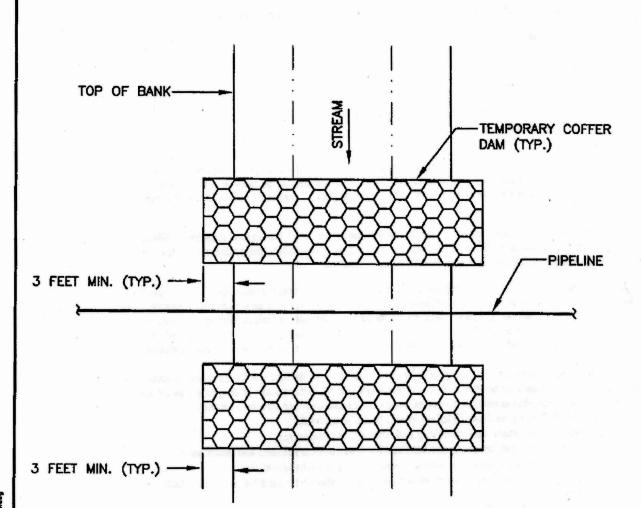
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# **Monroe County Water Authority** East Side Water Supply Project **Stream Crossings**

Project Component/Segment	NYS Stream Name & ID <sup>1</sup>	Width of crossing(s)	Туре	NYS Classification <sup>3</sup>	Bottom Substrate	Crossing Method
Raw Water Transmission	on Main .		AT CITATION	A DECRETA		K TONGE TO
Figure 5A	Fourmile Creek (O-99)	20	Perennial	C	Rock and gravel	Open Cut
Figure 5B	Unnamed tributary	7	Intermittent	С	- Sand, gravel, slate slab, and cobble	Open Cut
Figure5C	(O-99-1-1)	6	Intermittent	С	- Mucky silt and sand with vegetative litter and cobble	Open Cut
Finished Water Transm	ission Main	1 1 4 1		WELLS TO		
Figure 5D	Unnamed tributary to Fourmile Creek (O-99-3)	12	Perennial	C	Silt with scattered vegetation	Open Cut
Figure 5F	Unnamed tributary (O-99-4)	6	Perennial	C	Sitty muck with organic litter	Open Cut
Figure 5F	Unnamed tributary	4	Perennial	С	- Muck with some vegetation	Open Cut
Figure 5G	(O-99-4-1)	6	Perennial	C	- Muck with dead tree limbs	Open Cut
Figure 5H	Unnamed tributary (O-24-9-9)	4	Perennial	С	Muck	Open Cut
Figure 5I	Unnamed tributary (O-108-P-113-3-12-3-5)	3	Perennial	В	Muck with some vegetation	Open Cut
Figure 5J	Unnamed tributery (No ID #)	8	Intermittent	NA	Muck with cobble	Open Cut
Figure 5K	Unnamed tributary (O-108-P-113-3-12-3-6)		Perennial	В	Silty clay with organics	Open Cut
Figure 5K	Unnamed tributary (O-108-P-113-3-12-3)	12	Perennial	В	Sand, silt and rooted and floating vegeation	Open Cut
Figure 5L	Unnamed tributary (O-108-P-113-3-11-3)	3	Intermittent	С	Silt with vegetation	Open Cut
TOTAL	13 Crossings	95		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Notes:	8 7 8		2211	4.8.6		May N

<sup>1.</sup> See Figures 5A through 5L.

<sup>2.</sup> Average width of channel at point of crossing from stream surveys performed by O'Brien & Gere.

<sup>3.</sup> Lake Ontario Drainage Basin - Assigned classifications and standards of quality and purity (6 NYCRR § 847.4).

#### CONCEPTUAL MITIGATION PLAN

A conceptual wetland mitigation plan has been prepared, which incorporates the following mitigation ratios identified by the USACE:

- a) 2:1 ratio for emergent and scrub-shrub wetland impact
- b) 4:1 ratio for forested wetland impacts

The USACE issued a jurisdictional determination for the O'Brien & Gere-delineated project area wetlands on May 2, 2007, thereby enabling quantification of anticipated impacts to these jurisdictional areas. In accordance with the USACE's mitigation requirement, the following permanent impacts and resulting mitigation areas will be designed based on the above stated ratios:

- a) Emergent wetland: impact = 1.09 acres; proposed mitigation = 2.18 acres
- b) Scrub-shrub wetland: impact = 1.87 acres; proposed mitigation = 3.74 acres
- c) Forested wetland: 0.84 acre; proposed mitigation = 3.36 acres

This results in a total of 9.28 acres of required mitigation acreage. Generally, the Authority prefers on-site mitigation at the Lake Water Pump Station (LWPS) and Water Treatment Plant (WTP) sites due to available acreage. The USACE informally agreed to the use of these sites for mitigation during the May 31, 2006 and January 21, 2009 meetings. The USACE also agreed that mitigation of forested wetlands can be accomplished through salvaging of some mature trees and strategic planting of nursery stock within a portion of the mitigation area.

A Wetland Mitigation Plan is being prepared in accordance with the USACE's guidelines for Compensatory Mitigation for Losses of Aquatic Resources, published in the Federal Register on April 10, 2008 (73 FR 19594). The Plan presents the mitigation strategy proposed by the Authority to compensate for wetlands impacted by the proposed ESWSP facilities.

The primary objectives of the compensatory mitigation plan are:

- to offset unavoidable impacts to waters of the United States authorized through the issuance of a USACE permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344)
- · to replace values and services of wetlands impacted by construction of the proposed facilities
- to serve the aquatic resource needs of the watershed
- to provide for a compensatory mitigation plan that is not contrary to the public interest (i.e., the benefits, which reasonably may be expected to accrue from the project, will be balanced against its reasonably foreseeable detriments)
- · to identify mitigation plan components

The conceptual mitigation plan is illustrated on Plans A, B, and C included in Attachment 5. The following information provides details of planting strategies to be utilized in the following "zones" of the mitigation area as shown on the plans included within Attachment 5:

- Zone A (1.15± acres): These areas will support a mix of vegetative species that thrive in intermittently exposed and shallow emergent areas, aimed at mitigating for emergent habitat.
- Zone B (1.03± acres): These areas will support a mix of vegetative species that thrive in shallow
  emergent and deeper water areas and are less tolerant of exposure, aimed at mitigating for emergent
  habitat.

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- Zone C (3.74± acres): These areas will possess the same hydrologic regime as Zone A but will be
  planted with a mix of shrub species and vegetative species, aimed at mitigating for scrub-shrub
  habitat.
- Zone D (3.36± acres): These areas will possess the same hydrologic regime as Zone A but will be
  planted with a mix of shrub, vegetative, and deciduous tree species, aimed at mitigating for forested
  habitat.

# Zone A

Zone A shall be seeded with "Floodplain Wildlife Mix: ERNMX-154" from "Ernst Conservation Seeds" or equivalent at a rate of 15 lbs. per acre. Mulch shall be applied in these areas at a rate of 2 tons/acre.

Ernst Conservation Seeds - Floodplain Wildlife Mix (ERNMX-154)

Content (%)	Common Name	Botanical Name		
20	Fox Sedge	Carex vulpinoidea		
20	Virginia Wild Rye	Elymus virginicus		
10	Nlagara' Big Bluestem	Andropogon gerardii, 'Niagara'		
10	Indian Grass	Sorghastrum nutans		
5	Blunt Broom Sedge	Carex scoparia		
5	Switchgrass	Panicum virgatum		
5	Blue Vervain	Verbena hastata		
4	Fringed (Nodding) Sedge	Carex crinita		
4	Common Sneezeweed	Helenium autumnale		
3 Grass Leaved Goldenrod		Euthamia graminifolia		
2 Awl Sedge		Carex stipata		
2 Showy Tick Trefoil		Desmodium canadense		
2 Joe Pye Weed		Eupatorium fistulosum		
2 Boneset		Eupatorium perfoliatum		
2 Oxeye Sunflower		Heliopsis helianthoides		
1 Swamp Milkweed		Asclepias incamata		
1 Purple Stemmed Aster		Aster puniceus		
1	Seedbox	Ludwigla alternifolia		
1	Wild Bergamot	Monarda fistulosa		

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Zone B
Zone B shall be seeded with "OBL-FACW Perennial Food and Cover Wetland Mix: ERNMX-120" from "Ernst Conservation Seeds" or equivalent at a rate of 15 lbs. per acre. Mulch shall be applied in these areas at a rate of 2 tons/acre.

Ernst Conservation Seeds - OBL-FACW Perennial Food And Cover Wetland Mix (ERNMX-120)

Content (%)	Common Name	Botanical Name		
23	Fox Sedge	Carex vulpinoidea		
20	Virginia Wild Rye	Elymus virginicus		
10	Giant Bur Reed	Sparganium eupycarpum		
5	Fringed (Nodding) Sedge	Carex crinita		
5	Nodding Sedge	Carex gynandra		
5	Hop Sedge	Carex lupulina		
. 5	Lurid (Shallow) Sedge	Carex lurida		
5	Blunt Broom Sedge	Carex scoparia		
5	Soft Rush	Juncus effusus		
5 Wool Grass		Scirpus cyperinus		
5 Eastern Bur Reed		Sparganium americanum		
3 Nodding Bur Marigold		Bidens cernua		
2 Cosmos (Bristly) Sedge				
1 Rattlesnake Grass		Glyceria canadensis		
- 1	Rice Cutgrass	Leersia oryzoides		

# Zone C

### Seed

Zone C shall be seeded with "Wildlife Food and Shelter Shrub Mix: ERNMX-138" from "Ernst Conservation Seeds" or equivalent at a rate of 15 lbs. per acre. Mulch shall be applied in these areas at a rate of 2 tons/acre.

Ernst Conservation Seeds - Wildlife Food And Shelter Shrub Mix (ERNMX-138)

Content (%)	Common Name	Botanicai Name		
24	Fox Sedge	Carex vulpinoidea		
14	Arrowwood	Viburnum dentatum		
11 .	Virginia Wild Rye	Elymus virginicus		
10	Lurid (Shallow) Sedge	Carex lurida		
10	Silky Dogwood	Comus amomum		
10	Grey Dogwood	Cornus racemosa		
7	Blunt Broom Sedge	Carex scoparia		
5 Hop Sedge		Carex Iupulina		
3 Hercules' Club		Aralia spinosa		
2 Awl Sedge		Carex stipata		
2	Buttonbush	Cephalanthus occidentalis		
1 .	Cosmos (Bristly) Sedge	Carex comosa		
1	Meadow Sweet	Spiraea alba		

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### Shrub Plantings

- Existing live shrubs of the following species that are located within the mitigation area may be salvaged to the extent practicable prior to clearing and grading for use within the mitigation area when grading is complete:
  - A. Silky Dogwood (Cornus amomum)
  - B. Willow (Salix spp.)
  - C. Spicebush (Lindera benzoin)
  - D. Arrowwood (Viburnum spp.)
  - E. Red Osier Dogwood (Cornus stolonifera)
- 2. Salvaging may include staging of shrub clumps complete with root systems or collecting cuttings to be used as live stakes. Methods of material staging to promote survival is the contractor's responsibility. Plant material shall be stockpiled adjacent to the work area to minimize transport distance. Materials shall be placed in the mitigation area within Zone C as soon as practicable after completion of grading. Shrub clumps shall not be separated but shall be moved as an individual unit.
- 3. Portions of Zone C that do not receive transplanted shrubs shall receive live stakes in accordance with the following:
  - A. A minimum of 2" to 4" and two live buds of the live stake shall be exposed above the soil.
  - B. Live stakes shall range from 0.5" to 1.5" in diameter, with the following lengths:

Black Willow (Salix nigra): 2'
Buttonbush (Cephalanthus occidentalis): 2'
Red Osier Dogwood (Cornus stolonifera): 2'-3'

- C. Equal numbers of each species shall be planted in equally spaced rows no more than 4 feet apart throughout Zone C. Stake spacing shall be 4 feet maximum.
- D. Live stakes shall be cut to a point on the basal end for insertion on the ground.
- E. Use a dead blow hammer to drive stakes into the ground. The hammer head should be filled with shot or sand. A dibble, iron bar, or similar tool shall be used to make a pilot hole to prevent damaging the material during installation.
- F. After placement, tamp soil around live stakes.
- G. Any live stake that is damaged shall be left in place and supplemented with a replacement live stake adjacent.
- H. Nursery grown materials shall be stored under continuously cool, covered, and moist conditions prior to use.
- Seed shall be applied to Zone C areas after placement of shrub and cuttings. Straw mulch shall be applied in these areas at a rate of 2 tons/acre.
- J. Live stakes shall be installed after leaf drop in the fall and before bud break in the spring.

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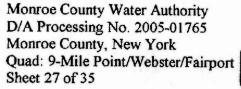
K. Soak live branches for a minimum of 24 hours before planting. Soaking for 5-7 days is preferred.

#### Zone D

- The contractor shall avoid impacts to those trees identified by the owner's representative that will
  serve as seed sources for the proposed mitigation area. Grading and vehicle movements shall be
  minimized within the drip line of the tree crown. Alternative trees may be selected by the contractor
  on a one to one basis if required only after approved from the owner's representative.
- 2. Portions of Zone D where individual trees are not salvaged shall be planted in accordance with the following:
  - A. Individual size #3 specimens of the following species obtained from RPM Ecosystems, LLC or approved equal shall be planted at a density of 50 per acre:

Eastern Cottonwood (Populus deltoides)
Red Maple (Acer rubrum)
Silver Maple (Acer saccharinum)

- B. Individual trees shall be planted in accordance with the "tree planting instructions" provided by RPM Ecosystems, LLC.
- C. Seed specified for Zone C shall be applied to Zone D areas after placement of trees.

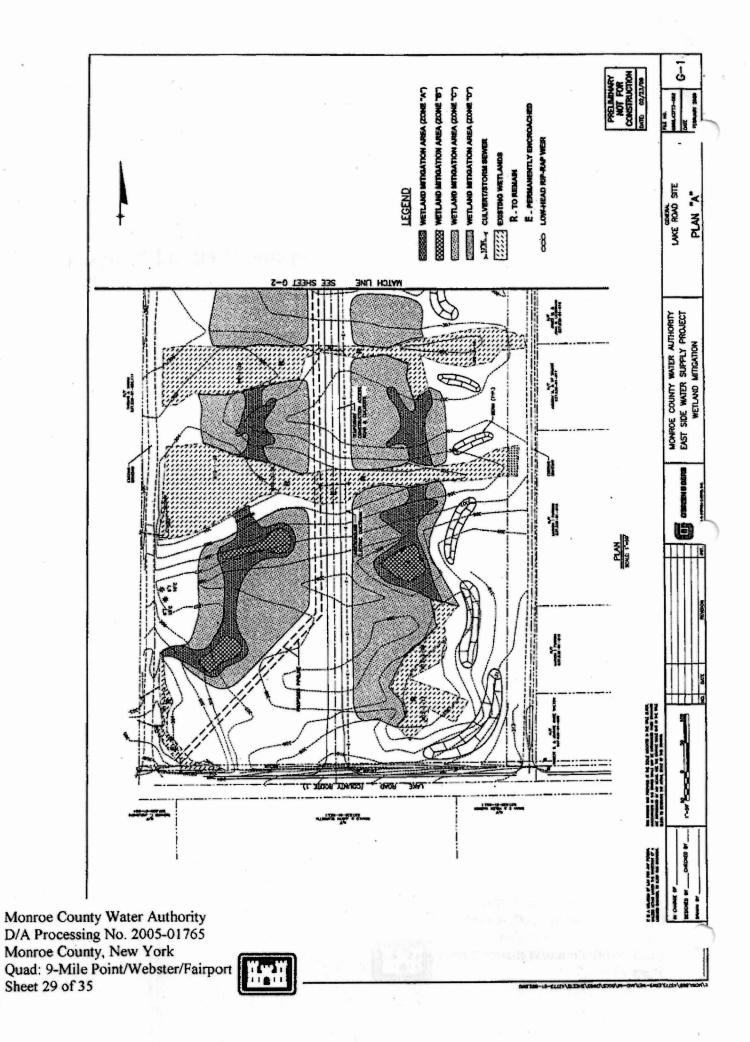


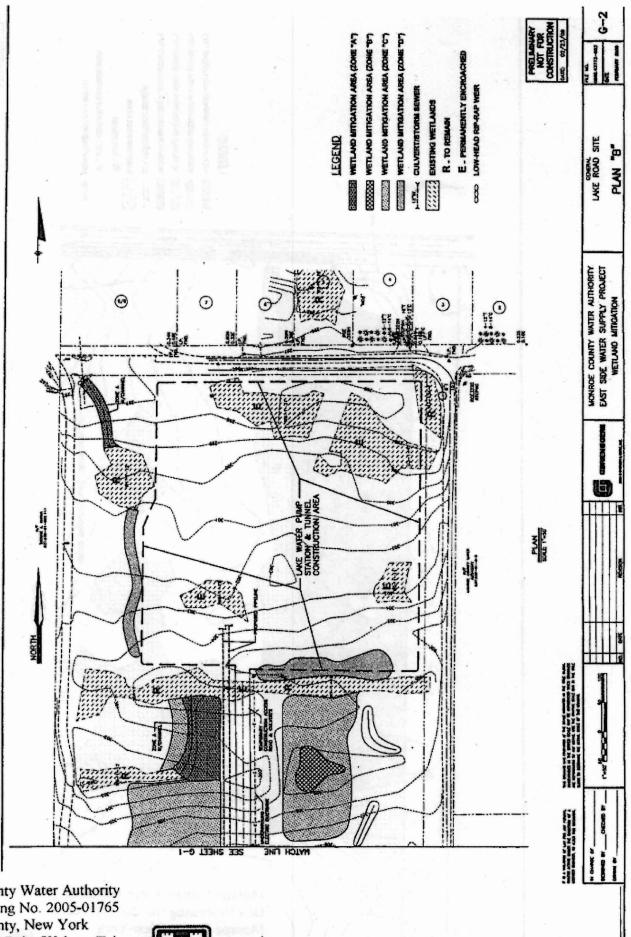


Conceptual Wetland Mitigation Plans

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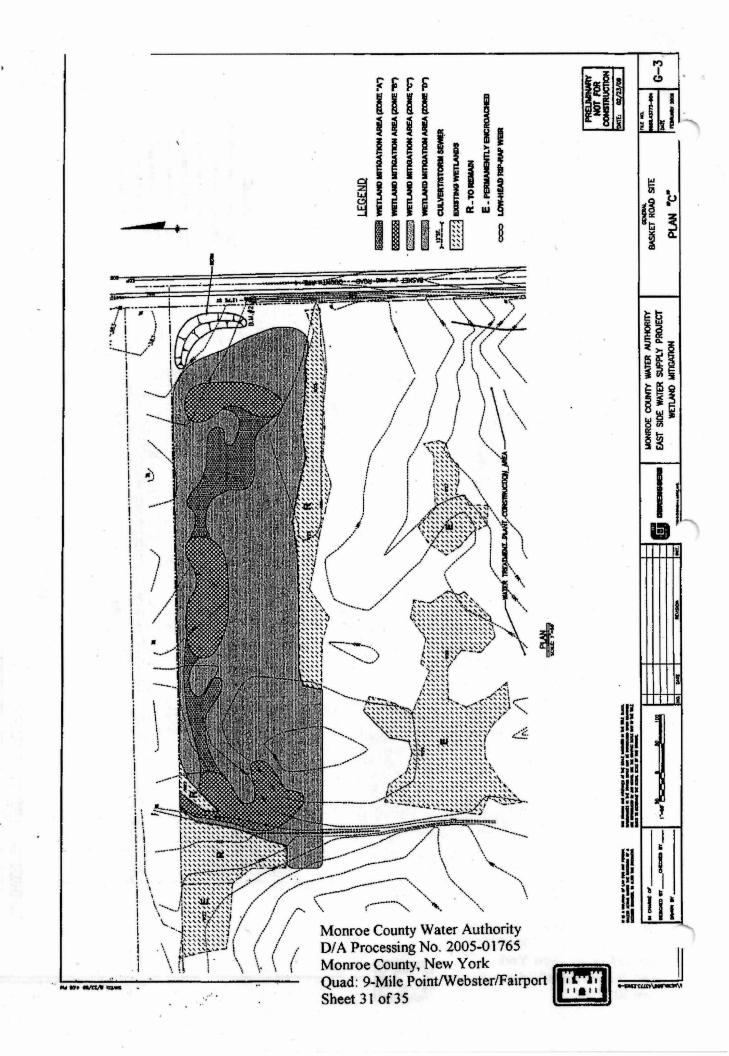






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# (GENERAL) Restoration of Surfaces

## **General Conditions**

- Contractor shall not work within 100' buffer or wetland areas, except where noted or shown.
- The contractor shall make every effort to complete construction operations as expeditiously as practical to minimize the duration of disturbance adjacent to the existing wetlands and buffer area.
- The contractor shall not store chemicals, fuels, or lubricating oils within 100 feet of wetland. With the exception of dewatering pumps, equipment shall not be refueled within 100 feet of wetland.
- Equipment and/or machinery shall not be washed in the wetland nor shall contractor permit water from such activities to enter the wetland areas.
- No work or staging shall occur within existing wetlands outside of disturbed wetland area.
- All construction equipment shall be removed from the wetland upon completion of construction.
- All construction activities, seeding, and planting shall be completed between April 15 and October 15.
- All vegetative protection measures shall be installed prior to the start of earth moving activities, including road construction/removal and clearing and grubbing.
- Construction equipment and vehicles shall not be parked or operated under the canopy of trees >6" diameter breast height (dbh) to remain.
- Petroleum products and other chemical products shall not be stored or dumped under the canopy of trees >6" dbh to remain.
- In no case shall boards or fences be nailed to trees >6" dbh to remain.
- Standard, 40-inch high snow fence, or equivalent shall be installed along the limits of clearing per manufacturer specifications.
- Trees >6" dbh to remain within the limits of clearing shall be protected from damage to the extent practicable.

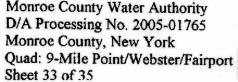
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- Tree protection devices shall be maintained until site landscaping and cleanup is complete.
- Wetland construction will be performed only during daylight hours.
- Sediment filter devices (i.e., silt fencing) shall be maintained along the edge of the wetland except as required to allow equipment access for construction activities and shall be maintained until revegetation is complete.
- The contractor's staging area shall be located a minimum of 50 feet away from the wetland boundary.
- Cut or prune existing wetland vegetation utilizing appropriate pruning methods.
- Wetland disturbance construction sequence guidelines shall be as follows:
  - A. Install silt fence at edge of wetland to control sediment laden runoff to stream/wetland.
  - B. Install by-pass pumping and siltation control measures in wetland.
  - C. Excavate trench.
  - D. Install pipe in trench.
  - E. Backfill trench.
  - F. Restore wetland per construction drawings and remove and dispose of any accumulated sediment.
  - G. Carefully remove temporary siltation control measures from the limits of the wetland area.
- The contractor shall operate construction equipment within the wetland as required to
  install and remove siltation control devices, excavate the pipe trench, install the pipe,
  backfill and restore the construction zone. Construction mats shall be used as required
  to develop a stable base for the movement of equipment.

# Topsoil Stripping and Stockpiling Methods

- All topsoil and excavated materials shall be stockpiled outside the wetland areas.
- The stockpile shall be seeded if the stockpile is left undisturbed for 5 days or more.
- Silt fence shall be installed at the base of the stockpile.





- Four inches of topsoil shall be removed from the spoil area and stockpiled in the temporary spoil area topsoil stockpile area prior to placement of general excavation spoil material.
- Topsoil from the wetland area and adjacent grading area shall be removed including
  vegetative cover to full depth and stockpiled in the temporary wetland area topsoil
  stockpile area. The contractor shall field verify topsoil depth and quantity of available
  and usable topsoil. The contractor is obligated to supplement existing topsoil if
  necessary or required. Imported topsoil designated for the wetland area is to be
  supplied from a commercial source and be of similar quality and consistency as onsite topsoil. The commercial source and topsoil shall be approved by the owner prior
  to use.

## Topsoil Depths

- The topsoil removed and stockpiled shall be used to restore surfaces.
- Excess topsoil shall be used outside the wetland area or disposed.
- Excavate to the full depth of vegetative cover in the wetland area.
- Excess soil shall be disposed of in designated spoil area in accordance with proposed grading shown. All excess material is to be disposed of off-site. Contractor to secure acceptable disposal site.
- Topsoil from the temporary spoil area stockpile shall then be spread uniformly over the spoil area, fine graded and seeded with perennial rye at a rate of 25 LBS/1,000 SF within 5 days of placement.
- In wetland area, place a minimum of 8 inches of topsoil from temporary wetland area topsoil stockpile. Final grades shall match the existing grades prior to the start of the project. In adjacent areas outside of wetland area, place 6 inches of topsoil from temporary wetland area topsoil stockpile. Do not compact.

## Soil Amendments

 Synthetic or organic soil stabilizers may be used as needed - under suitable conditions and in sufficient quantities subject to analysis of the specific soil type involved.

## Seed Mix

 All disturbed, exposed soils resulting from this project shall be seeded and mulched with hay or straw within 5 days of project completion.



Monroe County Water Authority D/A Processing No. 2005-01765 Monroe County, New York Quad: 9-Mile Point/Webster/Fairport Sheet 34 of 35

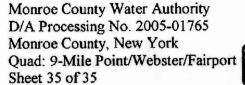


- All plants and seeding shall be established to the satisfaction of the Owner. At
  minimum, they must survive through one complete growing season. After one
  growing season, any mortality exceeding 10 percent must be replanted so that
  survival exceeds 90 percent.
- Apply wetland seed mix from Southern Tier Consulting Inc. or similar supplier, to be approved by owner to wetland area at a rate of 15 pounds per acre. Seed mix shall be Northeast Wetland Grass Seed Mix (STCMX-7) or equivalent:

Common Name	Scientific Name	Percentage 63%				
Creeping Bentgrass	Agrostis stolonifera					
Rough Bluegrass	Poa trivialis	17%				
Meadow Foxtail	Alopecurus arundinaceus	11%				
Annual Ryegrass	Lolium multiflorum	4.5%				
Deertongue	Panicum clandestinum	4.5%				

## Mulching

- All disturbed, exposed soils shall be seeded and mulched with hay or straw within 5 days of project completion.
- If seeding or planting is impractical due to the time of year, temporary mulch shall be
  applied within 5 days of final grade completion. Final seeding shall be performed at
  the earliest opportunity when weather conditions favor germination and growth.
- Unrotted small-grain straw or salt hay shall be spread uniformly at 90 to 115 pounds per 1,000 square feet and anchored with a mulch anchoring tool, liquid mulch binders or netting tie down as necessary.
- Synthetic or organic soil stabilizers may be used under suitable conditions and in sufficient quantities.
- Wood-fiber or paper-fiber mulch at the rate of 1,500 pounds per acre may be applied by a hydroseeder or hydromulcher.
- Only Biodegradable mulch netting, such as paper jute, excelsior or cotton may be used.







## William Lawler/R2/USEPA/US

04/23/2008 04:06 PM

To John Mello/R2/USEPA/US@EPA

cc John Filippelli/R2/USEPA/US@EPA, Grace Musumeci/R2/USEPA/US@EPA, Matthew Laurita/R2/USEPA/US@EPA

bcc

Subject monroe county east side water supply project

As we discussed today, the 1996 SEQRA DEIS submitted by the Monroe County Water Authority contains information concerning the region's air quality. In particular, on p. 75, under Air Quality, the DEIS states that "...monitoring conducted by the NYSDEC indicates that there have been no violations of the USEPA standards or NYSDEC Ambient Guideline Concentrations (AGC)(NYSDEC, 1994)." Unfortunately, this information is out-of-date and no longer accurate.

In fact, Monroe County, NY, has been in **"nonattainment"** for ozone for the years 2004, 2005, 2006, and 2007.

EPA's "general conformity" rule applies to all Federal actions in both nonattainment and maintenance areas. Conformity to a SIP means that a project will not cause or contribute to violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards. In the general conformity analysis, we estimate the air emissions from construction of the project, based on the annual emissions from the number, type, and running time of mobile emissions sources (internal combustion engines) that are anticipated to be utilized during construction.

Because the project is located in a nonattainment area, additional information is needed to enable EPA to determine whether the project's emissions exceed "deminimis levels" (40 CFR 93.153(b)(1)). Deminimis levels are threshold values of emissions, below which projects are presumed to conform to SIPs without requiring further mitigation of emissions or other actions on the part of the project sponsor.

Please request that the Monroe County Water Authority use the attached tables as a guide to providing the information necessary for EPA to estimate the project's construction-related emissions.

If you have any questions about this, please let me know.



General Conformity Guidance.doc

**General Conformity Determination** 

**Eastside Water Supply Project** 

**Monroe County, NY** 

Pellond to 2010
Chart 2009-10
Chart 2010
Chart 2010
Chart 2010

Prepared by: U.S. Environmental Protection Agency Region 2 290 Broadway New York, NY 10007-1866

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## 1. Introduction

# [PLEASE INCLUDE A DESCRIPTION OF THE PROJECT HERE]

The Eastside Water Supply Project is located in Monroe County, NY, part of the Rochester 8-hour ozone nonattainment area. Because the project is funded through a Federal grant by the Environmental Protection Agency (EPA) the project is subject to the general conformity regulations (40 CFR 93 Subpart B). This report documents the general conformity applicability analysis.

## 2. Background

The Clean Air Act Amendments of 1990 (CAAA) established the concept of conformity as a way to ensure that Federal actions do not interfere with air quality goals set by a state in that state's state implementation plan (SIP). The conformity regulations were divided into two parts: transportation conformity, covering projects initiated with Federal Highway Administration or Federal Transit Administration funding or approval; and general conformity, covering all other Federal agencies.

Conformity to a SIP means that a project will not cause or contribute to violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). The NAAQS have been set for six "criteria pollutants": ozone ( $O_3$ ), carbon monoxide (CO), lead ( $P_b$ ), nitrogen dioxide ( $P_b$ ), sulfur dioxide ( $P_b$ ), and particulate matter (both <10 microns [ $P_b$ 10] and <2.5 microns [ $P_b$ 10]. An area that violates one or more of the NAAQS may be designated as a nonattainment area by EPA. Areas that do not have violations but may contribute to nearby violations can also be designated as nonattainment areas.

States with nonattainment areas must develop state implementation plans (SIPs) to show how the areas will attain the NAAQS as expeditiously as practicable. An area that was previously in nonattainment and has been re-designated to attainment by EPA becomes a "maintenance area." States must develop SIPs for maintenance areas to show how they will maintain the applicable NAAQS for a period of 20 years.

General conformity applies only to Federal actions in nonattainment and maintenance areas. The Eastside Water Supply Project in Monroe County, NY, lies within the Rochester 8-hour ozone nonattainment area. The area was designated by EPA as nonattainment for the 8-hour ozone standard effective June 15, 2004.

## 3. General Conformity Applicability and Analysis

Because the Eastside Water Supply Project is subject to general conformity, EPA conducted an analysis of pollutant emissions from the project. Ozone is not directly emitted from vehicles and equipment, but rather it forms through a chemical reaction in the atmosphere in the presence of sunlight. Therefore, for the analysis we determined the emissions of the ozone precursors, oxides of nitrogen (NO<sub>X</sub>) and volatile organic compounds (VOC). These precursors result from combustion and are directly emitted by vehicles and engines.

The general conformity rule identifies "deminimis levels" (40 CFR 93.153(b)(1)), or threshold values of emissions below which projects are presumed to conform without further mitigation of emissions or other action on the part of the project sponsor. These deminimis levels are based on annual pollutant emissions; therefore, we determined emissions by year for this project.

The deminimis levels for the Rochester, NY, ozone nonattainment area are 100 tons per year of  $NO_X$  and 50 tons per year of VOC (40 CFR 93.153(b)(1)). In the analysis we considered only the emissions from the construction of the project. Emissions from the operation of the project are considered indirect emissions (40 CFR 93.152). We have deemed that EPA does not have continuing program responsibility for the indirect emissions and therefore have not included those emissions in the analysis.

Emission estimates were based on emission factors taken from a number of sources and vehicle/equipment types and activity levels supplied by the project sponsor. Tables A1 through A4 in Appendix A detail the emission factors and the calculation of total project emissions.

# 4. General Conformity Conclusion

Tables 1 and 2 below show the results of the general conformity applicability analysis. Emissions of  $NO_X$  and VOC in the Eastside Water Supply Project's construction years of 2009 and 2010 are below the applicable deminimis threshold values; therefore, the project is presumed to conform and no further action is necessary.

TABLE 1

	POLLUTANT	voc	NOx
OFF-ROAD CONSTRUCTION EMISSIONS (tons)		0.126	0.777
ON-ROAD CONSTRUCTION EMISSIONS (tons)		0.030	0.161
TOTAL CONSTRUCTION EMISSIONS (tons)		0.155	0.938
GENERAL CONFORMITY THRESHOLD (tons)		50	100
PERCENTAGE OF THRESHOLD		0.31%	0.94%

TABLE 2

2010 CONSTRUCTION EMISSIONS SUMMARY	FOR GENERAL CO	ONFORM	ITY
2010 OCHOTICO TON EMISSIONO SOMMANI	POLLUTANT	VOC	NOx
OFF-ROAD CONSTRUCTION EMISSIONS (tons)		0.233	1.213
ON-ROAD CONSTRUCTION EMISSIONS (tons)	,	0.051	0.239
TOTAL CONSTRUCTION EMISSIONS (tons)		0.284	1.453
GENERAL CONFORMITY THRESHOLD (tons)		50	100
PERCENTAGE OF THRESHOLD		0.57%	1.45%

# 5. Greenhouse Gas Analysis

EPA conducted a greenhouse gas analysis of the Eastside Water Supply Project for informational purposes only. This analysis (Table 3) includes carbon dioxide (CO<sub>2</sub>) emissions from the construction phase of the project. See the Appendix for more information on emission factors and assumptions.

TABLE 3

CO2 EMISSIONS										
	YEAR	2009	2010							
OFF-ROAD CONSTRUCTION EMISSIONS (tons)		93.420	142.338							
ON-ROAD CONSTRUCTION EMISSIONS (tons)		38.266	66.470							
TOTAL CONSTRUCTION EMISSIONS (tons)		131.686	208.808							

Appendix A: Emission Factors and Emission Calculations

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TABLE A1

William Control of	No. Front William	CONSTRUCTION EQUIPME	NT EMISSION FAC	TORS	(a / hn-l	nr)1	3/3/10/20	V 20 10 10	18 YE 12	100000000000000000000000000000000000000
FOUIDMENT	FUEL TYPE				(g / lip i	2009			2010	
EQUIPMENT	FUEL TYPE	NONROAD Model Category	SCC <sup>2</sup>	HP	VOC	NOx	CO2	voc	NOx	CO <sub>2</sub>
Barge <sup>3</sup>	DIESEL	N/A		400	-	-	_	0.201	7.457	475.538
Boat	GASOLINE	Inboard/Sterndrive	2282010005	50	-	-	-	27.382	5.779	916.131
Backhoe	DIESEL	Tractors/Loaders/Backhoes	2270002066	89	1.587	6.528	691.285	1.492	6.293	691.568
Brush Hog	·DIESEL	Commercial Turf Equipment	2270004071	173	0.336	4.404	530.046	-	-	
Bulldozer	DIESEL	Crawler Tractor/Dozers	2270002069	74	0.462	4.595	594.781	0.414	4.329	594.923
Concrete Pump	GASOLINE	Pumps	2265006010	40	3.880	4.175	763.977	3.348	3.530	750.867
Crane (25 ton)	DIESEL	Cranes	2270002045	180	0.310	4.377	530.122	0.293	4.089	530.173
Crane (125 ton)	DIESEL	Cranes	2270002045	550	0.316	5.259	530.104	0.292	4.947	530.176
Drill Rig	DIESEL	Bore/Drill Rigs	2270002033	400	-	_		0.440	6.103	529.736
Excavator	DIESEL	Excavators	2270002036	127	0.321	3.846	535.877	0.298	3.546	535.945
Loader	DIESEL	Tractors/Loaders/Backhoes	2270002066	180	1.028	6.305	623.492	0.968	6.006	623.669
Pile Driver	DIESEL	Other Construction Equipment	2270002081	260	0.348	4.514	535.797			
Roller	DIESEL	Rollers	2270002015	85	0.483	4.793	594.646	0.465	4.570	594.777
Skid-Steer	DIESEL	Skid Steer Loaders	2270002072	49	1.889	5.983	690.387	1.660	5.820	691.065

#### Notes:

- 1. Emission factors determined using EPA's NONROAD2005 model, 2009 run year with 500ppm diesel sulfur content and 2010 run year with 15ppm diesel sulfur content.
- 2. SCC is the Source Classification Code used in emission inventory development.
- 3. Marine diesel engine emission factors for VOC and NOx taken from Table 5-3 of *Final Regulatory Impact Analysis: Control of Emissions from Marine Diesel Engines* (EPA420-R-99-026). CO₂ emission factor calculated by assuming a brake specific fuel consumption (BSFC) of 210 g/kW-hr (0.345 lbs/hp-hr), fuel density of 7.3106 lbs/gal and carbon emissions rate of 22.2 lbs/gal. BSFC for Category 1 marine diesel engines taken from the draft report *LADCO 2005 COMMERCIAL MARINE EMISSIONS*, available at http://www.ladco.org/References/Commercial\_Marine\_Emissions%20Draft\_03\_02\_07.pdf

**TABLE A2** 

是一個人	2008 ON-ROAD VEHICLE EMISSION FACTORS (g/mile) <sup>1</sup>												
FOLUDMENT	FUEL	GVWR	VEHICLE	LOCATION		2009			2010				
EQUIPMENT	TYPE	GVVK	CLASS LOCATION		VOC	NOx	CO <sub>2</sub> <sup>2</sup>	voc	NOx	CO <sub>2</sub> <sup>2</sup>			
Auto	GASOLINE	-	LDGV	OFF-SITE	0.61	0.45	368.20	0.55	0.41	368.20			
Truck	DIESEL	15,000	HDDV4	OFF-SITE	0.19	3.39	1,001.40	0.18	2.99	1,000.90			
Truck	DIESEL	18,000	HDDV5	OFF-SITE	0.22	3.53	1,033.10	0.20	3.10	1,032.70			
Truck	DIESEL	35,000	HDDV8a	OFF-SITE	0.44	9.39	1,551.60	0.41	8.41	1,550.20			
Truck	DIESEL	35,000	HDDV8a	ON-SITE	1.20	13.06	1,551.60	1.10	11.71	1,550.20			

#### Notes:

1. Emission factors taken from MOBILE6.2 Emission Factor Tables for Regional, Mesoscale, and CMAQ Project Emission Calculations - Part B: Monroe County, developed by the New York State Department of Transportation and available at: https://www.nysdot.gov/portal/page/portal/divisions/engineering/environmental-analysis/mobil6. Off-site vehicles assumed to travel at an average speed of 40mph on arterial roads. On-site vehicles assumed to travel at 10mph on local roads.

2. CO2 emission factors developed using MOBILE6.2 with national default values.

**TABLE A3** 

		CONSTRUCTION	ON EM	ISSION	IS FROM OF	F-ROAD E	QUIPMENT		
YEAR	ACTIVITY	EQUIPMENT	NO.	HP	LOAD FACTOR <sup>1</sup>	TOTAL HRS	VOC EMISSIONS (g)	NOx EMISSIONS (g)	CO <sub>2</sub> EMISSIONS (g)
	Site Clearing	Brush Hog	1	173	0.43	72	1,799.64	23,588.18	2,838,968.78
	Site Work	Bulldozer	1	74	0.59	432	8,713.84	86,666.85	11,218,235.81
	Site Work	Skid Steer	1	49	0.21	432	8,397.13	26,596.11	3,068,963.52
	Excavation	Excavator	1	127	0.59	324	7,793.02	93,370.57	13,009,657.41
	Site Work/Materials Handling	Backhoe	1	89	0.21	216	6,407.17	26,352.29	2,790,746.78
	Site Work/Materials Handling	Loader	1	180	0.21	720	27,968.36	171,604.06	16,968,954.88
2009	Access Driveway	Roller	1	85	0.59	36	872.01	8,653.28	1,073,573.89
	Concrete Placement	Concrete Pump	1	40	0.43	486	32,433.70	34,899.66	6,386,236.54
	Shotcrete	Concrete Pump	1	40	0.43	54	3,603.74	3,877.74	709,581.84
	Sheeting	Pile Driver	1	260	0.59	108	5,765.39	74,784.34	8,876,656.06
	Crane Service	Crane	1	180	0.43	324	7,774.06	109,764.66	13,294,187.47
	Crane Service	Crane	1	550	0.43	36	2,690.42	44,775.13	4,513,305.46
		OFF-ROAD COL		114,218.48	704,932.86	84,749,068.43			
	TOTAL 200	09 OFF-ROAD C	ONSTR	RUCTIO	N EMISSION	IS (tons)	0.13	0.78	93.42
	Site Work	Bulldozer	1	74	0.59	540	9,766.39	102,073.75	14,026,147.88
	Site Work	Skid Steer 1		49	0.21	540	9,223.08	32,338.50	3,839,973.52
	Excavation	Excavator	1	127	0.59	108	2,415.05	28,697.52	4,337,099.40
	Site Work/Materials Handling	Backhoe	1	89	0.21	540	15,057.08	63,515.50	6,979,721.01
	Site Work/Materials Handling	Loader	1	180	0.21	1,080	39,518.16	245,194.89	25,460,659.78
	Intake Placement	Barge	1	400	N/A	27	2,174.46	80,535.59	5,135,810.40
2010	Intake Placement	Boat	1	50	N/A	27	36,965.33	7,802.17	1,236,776.79
	Intake Construction	Drill Rig	1	400	0.43	144	10,894.86	151,170.90	13,120,512.67
	Access Driveway	Roller	1	85	0.59	36	838.99	8,250.02	1,073,810.30
	Concrete Placement	Concrete Pump	1	40	0.43	216	12,438.46	13,114.33	2,789,619.88
-	Shotcrete	Concrete Pump	1	40	0.43	864	49,753.82	52,457.30	11,158,479.53
	Crane Service	Crane	11	180	0.43	864	19,589.42	273,456.54	35,454,577.25
	Crane Service	Crane	1	550	0.43	36	2,484.25	42,115.52	4,513,922.22
C. Carl	TOTAL 2010	OFF-ROAD CO	NSTRU	CTION	EMISSIONS	(grams)	211,119.35	1,100,722.52	129,127,110.64
STATE OF	TOTAL 20	10 OFF-ROAD C	ONSTR	UCTIC	N EMISSION	IS (tons)	0.23	1.21	142.34

## Notes:

<sup>1.</sup> Load factor is the fraction of rated horsepower at which the equipment typically operates over its duty cycle. Load factors were taken from *Median Life*, *Annual Activity*, and Load Factor Values for Nonroad Engine Emissions Modeling (EPA420-P-04-005)

**TABLE A4** 

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1000	A RACE OF BUILDING	CONS	TRUC	TION EMISS	IONS FROM	ON-ROAD V	EHICLES			
YEAR	ACTIVITY	EQUIPMENT	EQUIPMENT NO. VEHICLE CLASS PER VEHICLE MILES EMISSIONS (		VOC EMISSIONS (g)	NOx EMISSIONS (g)	CO₂ EMISSIONS (g)			
	Select Fill Import <sup>1</sup>	Truck	1	HDDV8a	585	585	261.85	5514.62	907686.00	
	Spoils Removal	Truck	1	HDDV8a	6,400	6,400	2864.64	60330.88	9930240.00	
0000	Concrete Delivery	Truck	1	HDDV8a	6,340	6,340	2789.60	59532.60	9837144.00	
2009	Misc. Materials Delivery	Truck	1	HDDV4	702	702	133.38	2379.78	702982.80	
	Electric Line Work	Truck	2	HDDV5	450	900	198.00	3177.00	929790.00	
	Worker Transportation	Auto	12	LDGV	2,808	33,696	20554.56	15163.20	12406867.20	
	TO	TAL 2009 ON-RO	DAD CO	ONSTRUCTIO	ON EMISSIO	NS (grams)	26802.03	146098.08	34714710.00	
	T	OTAL 2009 ON-	ROAD	CONSTRUC	TION EMISSI	ONS (tons)	0.030	0.161	38.266	
	Select Fill Import <sup>1</sup>	Truck	1	HDDV8a	585	585	243.89	4939.16	906867.00	
	Spoils Removal	Truck	1	HDDV8a	8,720	8,720	3635.37	73622.96	13517744.00	
2010	Concrete Delivery	Truck	1	HDDV8a	12,680	12,680	5198.80	106638.80	19656536.00	
	Misc. Materials Delivery	Truck	1	HDDV4	1,404	1,404	252.72	4197.96	1405263.60	
	Worker Transportation	Auto	12	LDGV	5,616	67,392	37065.60	27630.72	24813734.40	
PART	TOT	TAL 2010 ON-RO	DAD CO	DNSTRUCTIO	ON EMISSIO	NS (grams)	46396.37	217029.60	60300145.00	
	TO	OTAL 2010 ON-	ROAD	CONSTRUCT	TION EMISSI	ONS (tons)	0.051	0.239	66.470	

#### Notes

<sup>1.</sup> Select fill import involves both off-site and on-site truck movements. For this calculation we assumed that 99% (579) of the miles travel occur while the truck is travelling to and from the site, and 1% (6) of the miles travelled occur on-site.

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# MONROE COUNTY WATER AUTHORITY



Shoremont Treatment Plant • 4799 Dewey Avenue P.O. Box 12697 Rochester, New York 14612-0697 • (585) 442-2000 • Fax: (585)621-1204

May 15, 2007

Mr. Brad Schaeffer Department of the Army Buffalo District, Corps of Engineers 1776 Niagara Street Buffalo, NY 14207-3199

Re: Jurisdictional Determination

Department of Army Application

No. 2005-01765(2)

File: 02-S05 # 5

Dear Mr. Schaeffer:

We received the Jurisdictional Determination (JD) issued by the US Army Corps of Engineers – Buffalo District (District) on May 2, 2007. Based on our review of the JD, it is our understanding that the District substantially agreed with the identification of regulated areas identified in our application with the following exceptions:

- W2 the delineated acreage is 0.16 acres consistent with O'Brien & Gere's email to the District on April 12, 2007. The project's encroachment on wetland W2 remains "0."
- W7 The PEM cover type was deleted by the District from the original description of PSS/PEM identified in the application.
- W11 The PFO cover type was added by the District to the original description of PSS identified in the application.
- W26 The delineated acreage was reduced by the District from 2.32 acres identified in the
  original application to 1.61 acres. Accordingly, the proposed encroachment is also reduced from
  2.32 acres to 1.61 acres.
- W27 The PFO cover type was added by the District to the original description of PSS identified in the application.
- W43 The PSS cover type was added by the District to the original description of PFO identified in the application.
- The District indicated it does not have jurisdiction over wetlands W5, W6, W28, W36, and W40.

Mr. Schaeffer May 14, 2007 Page 2

The Monroe County Water Authority accepts the District approved JD. Please note, as indicated in previous correspondence, that the some of the delineated areas included in the JD are outside of the project's limits of construction, and will not be impacted. We request that the District proceed with its review of the application. Please call me if you have comments.

Very truly yours,

MONROE COUNTY WATER AUTHORITY

Richard J. Metzger, P.E. Director of Production

cc: Steve Gould

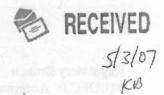
Roger Vanderbrook - CPA

Steven M. Eckler – O'Brien & Gere Kyle Buelow – O'Brien & Gere



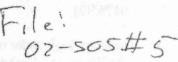
## **DEPARTMENT OF THE ARMY**

BUFFALO DISTRICT, CORPS OF ENGINEERS 1776 NIAGARA STREET BUFFALO, NEW YORK 14207-3199



REPLY TO

May 2, 2007



Regulatory Branch

SUBJECT: Jurisdictional Determination, Department of Army Application No. 2005-01765(2)

Mr. Richard Metzger PO Box 10999 475 Norris Drive Rochester, NY 14610

Dear Mr. Metzger:

On February 17, 2006, the US Army Corps of Engineers – Buffalo District (District) received a Joint Application for Permit for the East Side Water Supply Project (Project) located in the towns of Webster and Penfield, Monroe County, New York. This transmittal pertains to the District's jurisdictional determination which is a requirement of the application evaluation process.

The submitted Joint Application for Permit materials, including a site-specific wetland delineation, along with the District's field verification, confirms that wetlands and waterbodies under Federal jurisdiction are located within the proposed facility parcel boundaries and along the proposed water transmission pipeline alignments.

Based upon the District's review of the submitted materials and on-site observations, the District has determined that 34 wetlands and 13 waterbodies located within the facility boundaries and along the water transmission pipeline alignments are part of a surface water tributary system to Lake Ontario, a navigable water of the United States. The 34 jurisdictional wetlands that comprise approximately 11.41 acres are listed below and referenced on the attached Jurisdictional Determination form and drawings.

Jurisdictional Wetlands (acres) – W1 (0.03), W2 (0.16), W3 (0.65), W4 (0.16), W7 (0.45), W8 (0.09), W9 (0.74), W10 (0.86), W11 (0.08), W12 (0.27), W14 (0.24), W15 (0.27), W17 (0.30), W18 (0.13), W19 (0.09), W21 (0.32), W22 (0.62), W23 (0.37), W24 (0.19), W25 (0.52), W26 (1.61), W27 (0.25), W30 (0.36), W31 (0.08), W33 (0.23), W34 (0.15), W35 (0.17), W37 (0.52), W38 (0.18), W39 (0.89), W41 (0.17), W42 (0.13), W43 (0.06), and W44 (0.07).

Because these areas are regulated under Section 404 of the Clean Water Act, Department of the Army authorization is required if you propose a discharge of dredged or fill material in these areas. In addition, because the project involves the installation of structures and fills below

Regulatory Branch
SUBJECT: Acceptance of Wetland Delineation, Department of Army Application No. 200501765(2)

ordinary high water mark of Lake Ontario, these actions would be regulated under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

In addition, it is the District's determination that there is no clear surface water connection or ecological continuum between wetlands W5 (0.07 acre), W6 (0.09 acre), W28 (0.14 acre), W36 (0.07 acre), and W40 (0.15 acre) and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Delineated wetlands W13, W16, W20, W29, and W32 are outside of Project area boundaries therefore, a jurisdictional determination for these areas is not provided. The above areas are also referenced on the attached drawings.

This jurisdictional determination will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site(s) identified in this request.

Attached to this letter is an approved jurisdictional determination for the facility parcels and transmission alignments. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Mr. Mike Montone, Regulatory Review Officer Great Lakes and Ohio River Division CELRD-PDS-O 550 Main Street, Room 10032 Cincinnati, Ohio 45202-3222 Phone: 513-684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 2, 2007.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Department of Army Application No. 2005-01765(2)

Questions pertaining to this matter should be directed to me at (716) 879-4246, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: brad.a.schaeffer@usace.army.mil

Sincerely,

SIGNED

Brad Schaeffer Biologist

**Enclosures** 

# NOTIFICATION OF ADMINISTRATINE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applic.	ant: Monroe County Water Authority	File Number: 2005-01765	Date: May 2, 2007		
Attache	ed is:		See Section below		
	INITIAL PROFFERED PERMIT (Standard Perr	A			
	PROFFERED PERMIT (Standard Permit or Lett	ter of permission)	В		
	PERMIT DENIAL		C		
X	APPROVED JURISDICTIONAL DETERMINA	ATION	D		
	PRELIMINARY JURISDICTIONAL DETERM	INATION	E		

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps.regulations at 33 CFR Part/331.

- A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.
- •ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- •ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- •APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- •APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR ARREAL or OBJECTION	VS 171 AN INDRIAL DUCKBEEDEN DEDMIN
REASONS FOR APPEAL OR OBJECTIONS: (Describe	your reasons for appealing the decision or your objections to an initial
proffered permit in clear concise statements. You may attach	additional information to this form to clarify where your reasons or
objections are addressed in the administrative record.)	The second of the second of the second of the second of
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## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE:

**BUFFALO** 

FILE NUMBER:

2005-01765

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State:

New York

County:

Monroe Center coordinates of site (latitude/longitude): NA - Linear Project

Approximate size of area (parcel) reviewed, including uplands: Linear Project (approx. 100 acres for right-of-way, 78 acres

for facilities)

Name of watershed:

Name of nearest waterway: Four Mile Creek, Lake Ontario Lake Ontario 04150200

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date:

4/4/2007

Date(s):

5/31/2006 and 6/1/2006

#### Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

X There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Portions of Lake Ontario.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 11.41 acres.

X There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

X Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

On February 17, 2006, the US Army Corps of Engineers - Buffalo District (District) received a Joint Application for Permit (JAP) for the East Side Water Supply Project (Project) located in the towns of Webster and Penfield, Monroe County, New York. The applicant is the Monroe County Water Authority (MCWA).

The JAP provided a wetland delineation and stream crossing identification table that summarized the results of the applicant's field surveys. As a result of this submittal, a District coordinated site visit was conducted to confirm the wetland boundaries and determine Corps jurisdiction over the Project components.

The site visit was conducted on May 31 and June 1, 2006 by Brad Schaeffer and Joseph Krawczyk of the District. During the site visit the majority of the wetlands and streams where field investigated for boundary verification and establishment of hydrological connection. Some of the wetlands that were delineated fell outside of the proposed right-of-way and therefore where not field visited.

Tables 1 and 2 provide the District's boundary verification and jurisdictional determination regarding the wetlands and waterbodies that are within the Project area. Of the 44 wetlands delineated by the applicant, 34 were found to be jurisdictional waters of the US, five were determined to be isolated and nonjurisdictional, and five were located outside of the Project right-of-way and determination will not be provided. The 34 jurisdictional wetlands comprise approximately 11.41 acres, whereas the five nonjurisdictional wetlands sum to approximately 0.52 acres.

Jurisdictional Wetlands (acres) – W1 (0.03), W2 (0.16), W3 (0.65), W4 (0.16), W7 (0.45), W8 (0.09), W9 (0.74), W10 (0.86), W11 (0.08), W12 (0.27), W14 (0.24), W15 (0.27), W17 (0.30), W18 (0.13), W19 (0.09), W21 (0.32), W22 (0.62), W23 (0.37), W24 (0.19), W25 (0.52), W26 (1.61), W27 (0.25), W30 (0.36), W31 (0.08), W33 (0.23), W34 (0.15), W35 (0.17), W37 (0.52), W38 (0.18), W39 (0.89), W41 (0.17), W42 (0.13), W43 (0.06), and W44 (0.07).

Isolated, Nonjurisdictional Wetlands (acres) – W5 (0.07), W6 (0.09), W28 (0.14), W36 (0.07), and W40 (0.15) Determination not Provided – W13, W16, W20, W29, and W32.

All of the 13 streams crossed by the Project are hydrologically connected to a navigable waterway and therefore are jurisdictional waters of the US. In addition, portions of the project would be constructed in Lake Ontario which is a Section 10 waterway and therefore a regulated water of the US.

The District accepts the wetland delineation provided within the JAP submittal dated June 2005 and the supplemental information including final wetland delineation maps and wetland and stream crossing tables submitted via letter transmittal on August 16, 2006.

Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
X Or	dinary High Water Mark indicated by:	High Tide Line indicated by:
X	clear, natural line impressed on the bank	oil or scum line along shore objects
$\mathbf{X}$	the presence of litter and debris	fine shell or debris deposits (foreshore)
X	changes in the character of soil	physical markings/characteristics
図	destruction of terrestrial vegetation	1 tidal gages
XIXIXIXIX	shelving	other:
П	other:	
_		
☐ Mea	n High Water Mark indicated by:	
	survey to available datum; physical markings; v	regetation lines/changes in vegetation types.
X We	etland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Cla	arke Patterson Associates, Inc.	
Docio F	on Not Assorting Insiediations	
	or Not Asserting Jurisdiction: reviewed area consists entirely of uplands.	
		229(2)(1 2 24 7)
	ble to confirm the presence of waters in 33 CFR par	
	Iquarters declined to approve jurisdiction on the bas	
		the following waters present on the site are not Waters of the
Un	ited States:	Michael Carolina (122)
Н		onds or lagoons, pursuant to 33 CFR part 328.3.
Н	Artificially irrigated areas, which would revert	
Ŀ	Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
п	rice growing.	
	Artificial reflecting or swimming pools or other	
	by excavating and/or diking dry land to retain v	
	Water-filled depressions created in dry land inc	idental to construction activity and pits excavated in dry land for
		less and until the construction or excavation operation is
	abandoned and the resulting body of water mee	ts the definition of waters of the United States found at 33 CFR

	Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on d	Resources Conservation Service. Explain rationale:
	Other (explain):	
DAT	A REVIEWED FOR JURSIDICTIONAL DETERMINATION	(mark all that apply):
5	Maps, plans, plots or plat submitted by or on behalf of the applicant Data sheets prepared/submitted by or on behalf of the applicant	
5	This office concurs with the delineation report, dated June 2005	
Ī	nc.	ham to relation removal and re-
	This office does not concur with the delineation report, dated	, prepared by (company):
	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps: Webste	r and Ninemile
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
Ļ	U.S. Geological Survey 15 Minute Historic quadrangles:	
Ļ	USDA Natural Resources Conservation Service Soil Survey:	
5	National wetlands inventory maps: Webster and Ninemile	
2		
-	FEMA/FIRM maps (Map Name & Date):	
- 1	100-year Floodplain Elevation is: (NGVD)	the second second second
-	Aerial Photographs (Name & Date):	
-	Other photographs (Date):	
k	Advanced Identification Wetland maps:	
ľ	Site visit/determination conducted on: 5/31/2006 and 6/1/2006	
	Applicable/supporting case law:	
E	Other information (please specify): Revised wetland delination	maps submitted on August 16, 2006

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Wetland ID1	Covertype <sup>2</sup> Area (Acres)		Jurisdictional <sup>3</sup>	USACE Ma
			- Janisaichonai	Sheet
W1	PSS/PFO	0.03	Yes	2
W2	PSS/PFO	NA 0.16	Yes	2
W3	PSS/PEM	0.65	Yes	2
W4	PSS	0.16	Yes	2
W5	PSS	0.07	No	2
W6	PSS	0.09	No	2
W7	PSS	0.45	Yes	2
W8	PSS	0.09	Yes	2
W9	PFO/PSS	0.74	Yes	2
W10	PFO/PSS	0.86	Yes	2
W11	PSS/PFO	0.08	Yes	2
W12	PFO	0.27	Yes	2
W13	NA	NA NA	NA NA	5
W14	PFO	0.244	Yes	5
W15	PSS/PEM	0.274	Yes	6
W16	NA NA	NA NA	NA NA	5
W17	PFO	0.304	Yes	5
W18	PFO/PEM	0.134	Yes	7
W19	PEM	0.094	Yes	7
W20	NA	NA NA		
W21	PFO	0.324	NA	6
W22	P\$S	0.62	Yes	3
W23	PFO/PSS	0.82	Yes	3
W24	PSS		Yes	3
W25	PSS/PFO	0.19	Yes	3
W26		0.52	Yes	3
	PSS/PFO	1.61	Yes	3
W27	PSS/PFO	0.25	Yes	3
W28	PSS	0.14	No No	3
W29	NA	NA NA	NA	7
W30	PSS/PFO	0.364	Yes	9
W31	PEM	0.084	Yes	7
W32	NA	NA .	NA	8
W33	PFO	0.234	Yes	9
W34	PFO	0.154	Yes	9
W35	PFO	0.174	Yes	9
W36	PFO	0.074	No	9
W37	PFO	0.524	Yes	9
W38	PEM	0.18⁴	Yes	10
W39	PFO/PSS	0.894	Yes	10
W40	PSS	0.154	No	11
W41	PFO	0.174	Yes	11
W42	PFO	0.134	Yes	11
W43	PSS/PFO	0.064	Yes	14
W44	PSS/PFO	0.074	Yes	14

NA = Not Applicable

1 as provided by the applicant and reference on Project drawings
2 as typed by district personnel in the field
3 a regulated Section 404 water of the US based upon a surface water connection to a navigable

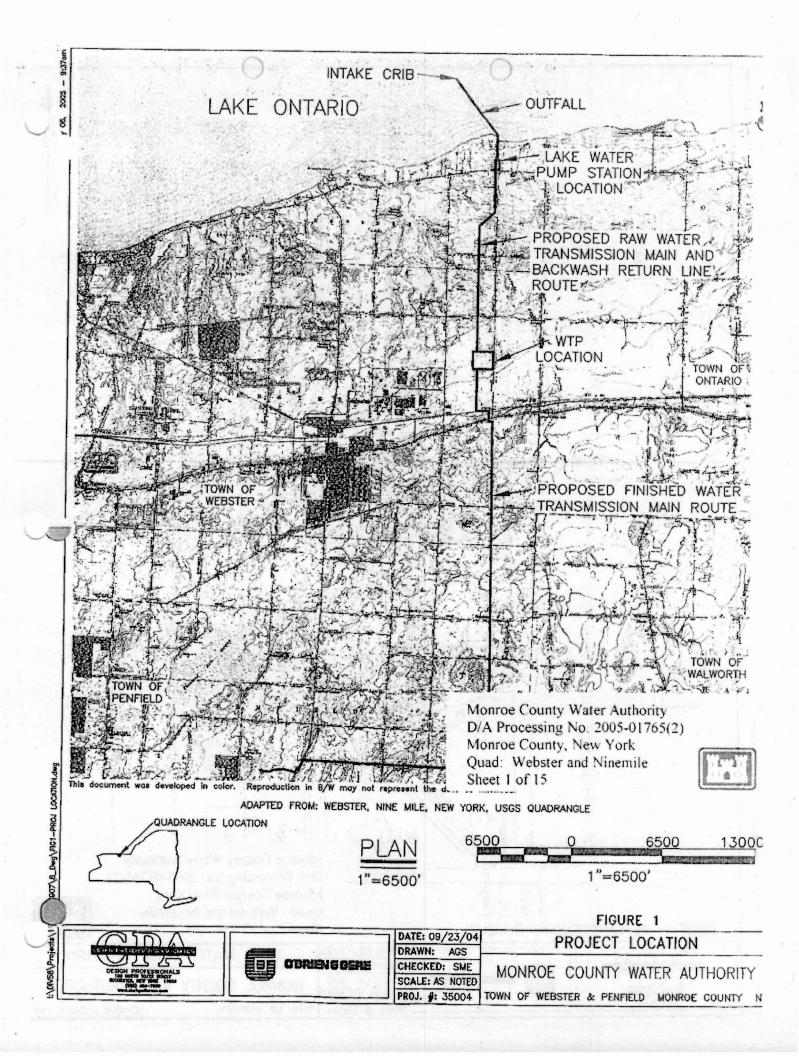
waterway

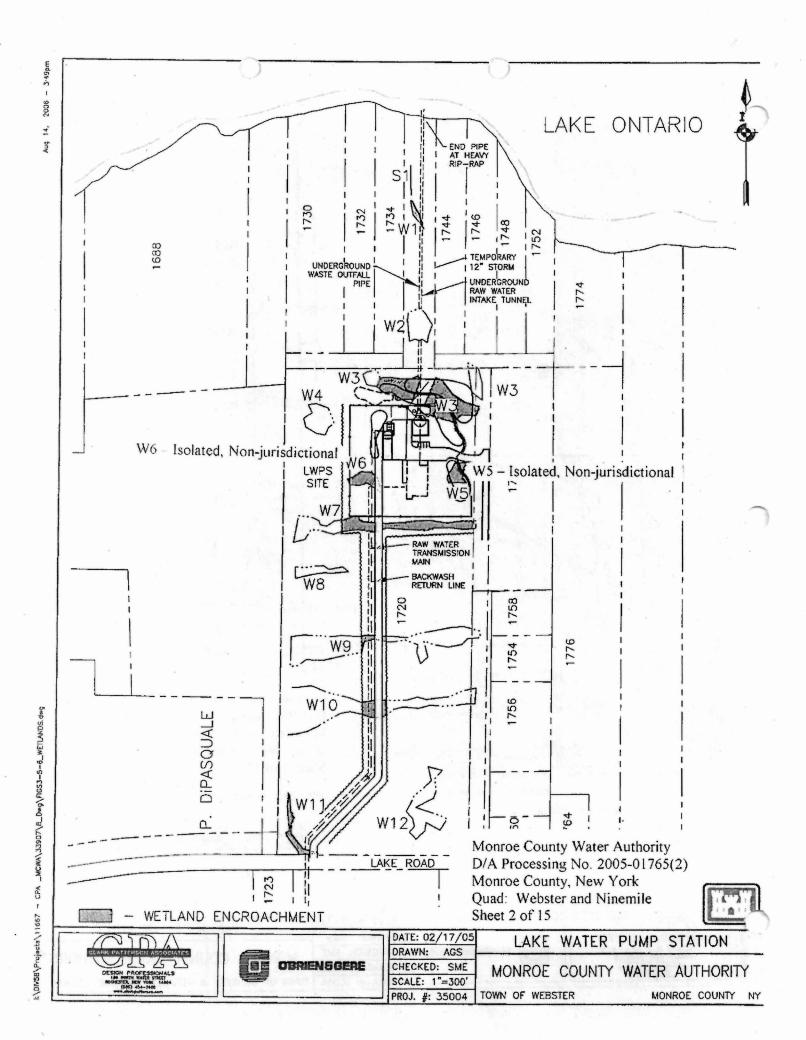
4 these acreage represent the area of the wetland that occurs within the proposed transmission main right-of-way, many of the wetlands crossed are much larger and extend beyond the survey area boundaries.

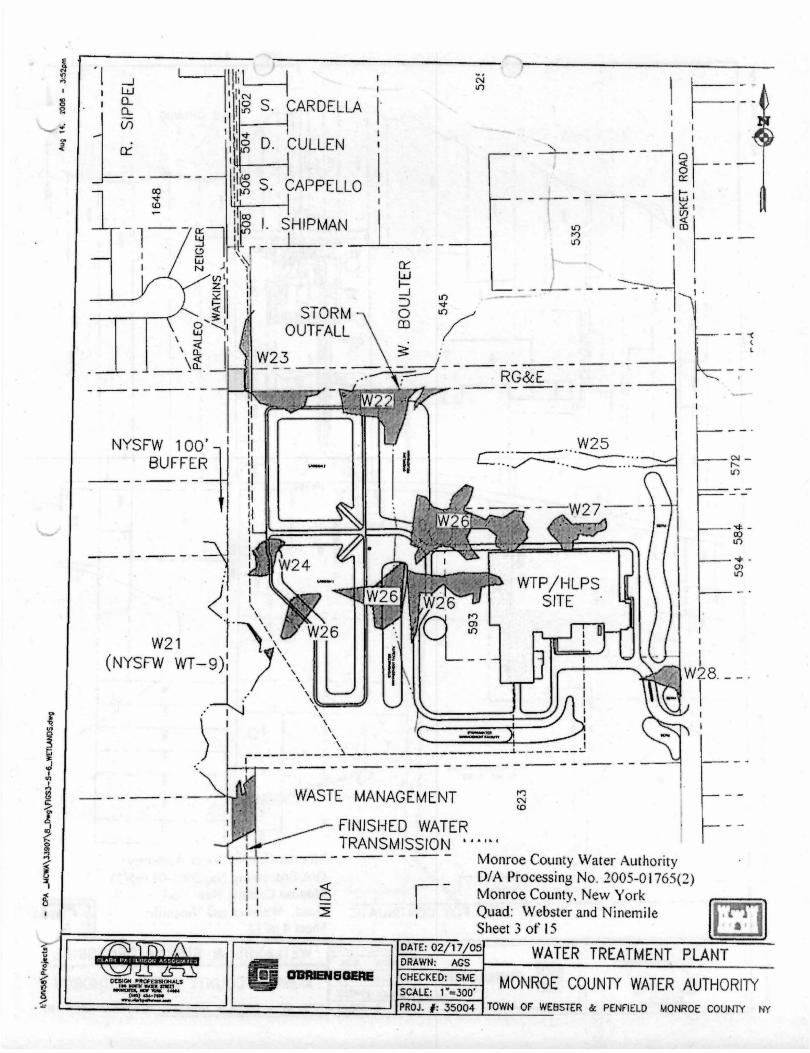
Table 2. USACE-Buffalo District Jurisdictional Determination - Streams

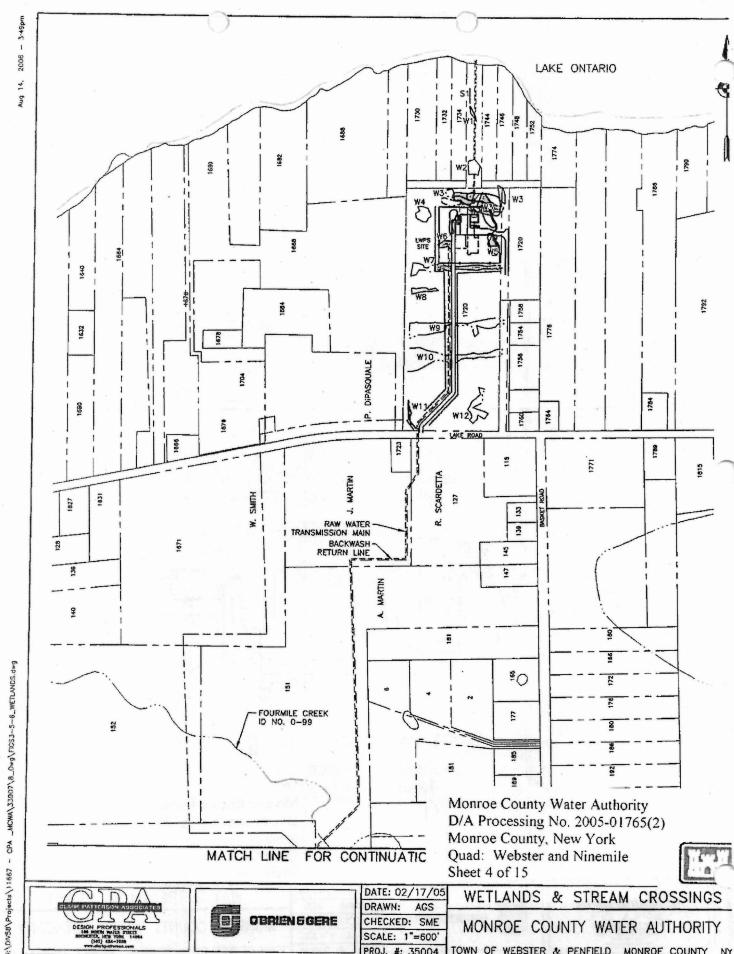
Stream	ID-NYSDEC	Jurisdictional <sup>1</sup>	USACE Map Sheet
Fourmile Creek	O-99	Yes	4
Unnamed Tributary	O-99-1-1	Yes	5
Unnamed Tributary	0-99-1-1	Yes	6
Unnamed Tributary	O-99-3	Yes	7
Unnamed Tributary	O-99-4	Yes	9
Unnamed Tributary	0-99-4-1	Yes	9
Unnamed Tributary	O-99-4-1	Yes	10
Unnamed Tributary	0-24-9-9	Yes	11
Unnamed Tributary	O-108-P-113-3-12-3-5	Yes	12
Unnamed Tributary	NA	Yes	13
Unnamed Tributary	O-108-P-113-3-12-3-6	Yes	14
Unnamed Tributary	O-108-P-113-3-12-3	Yes	14
Unnamed Tributary	O-108-P-113-3-11-3	Yes	15

regulated Section 404 water of the US based upon the presences of a surface water connection to a navigable waterway



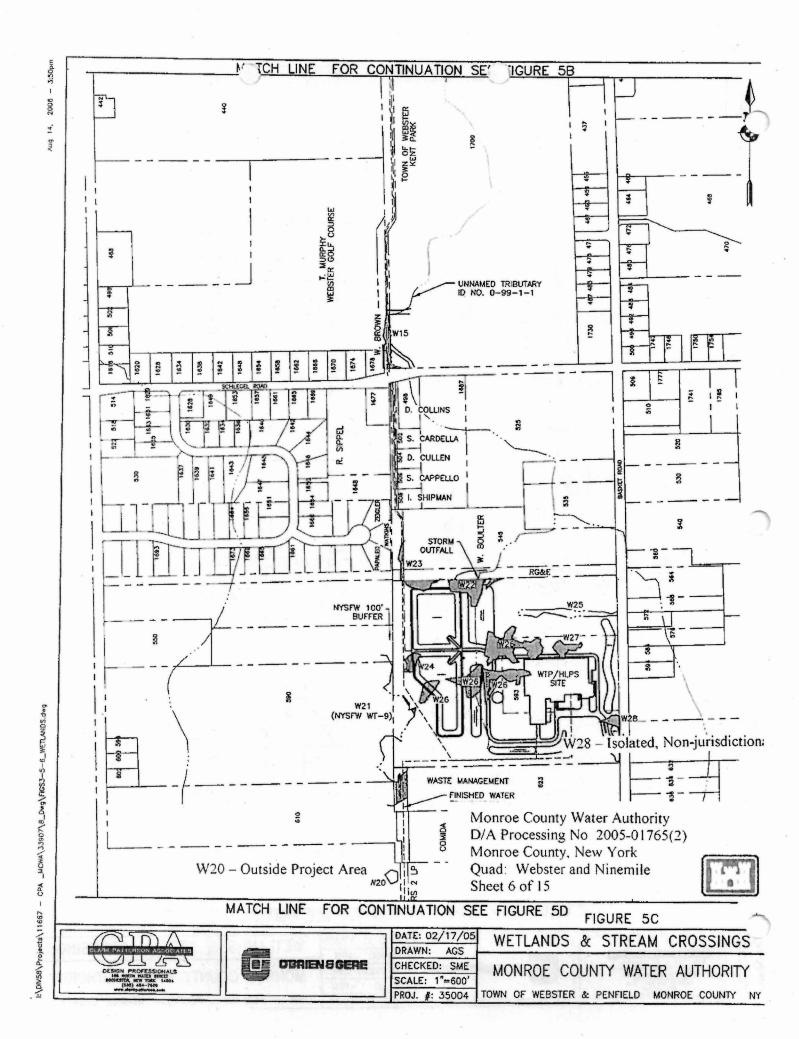


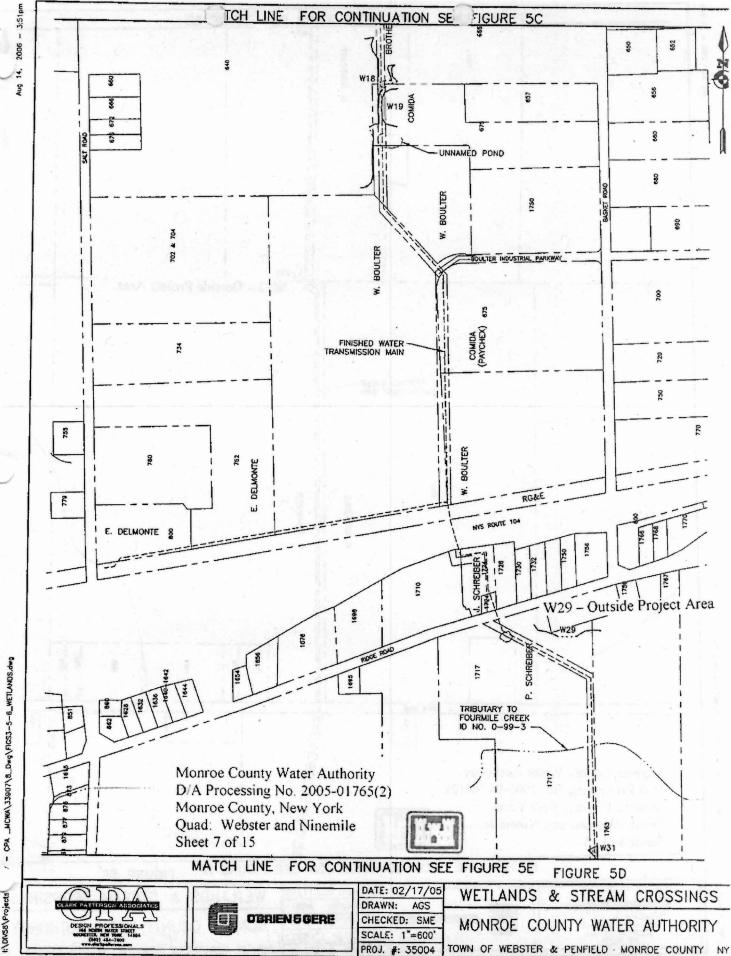




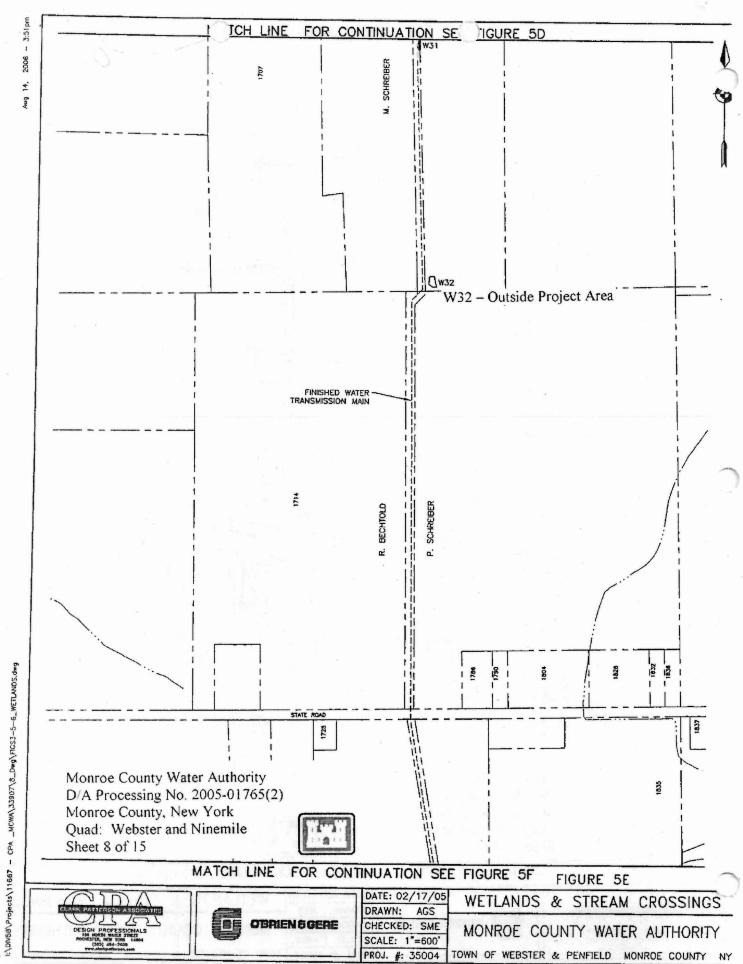
PROJ. #: 35004

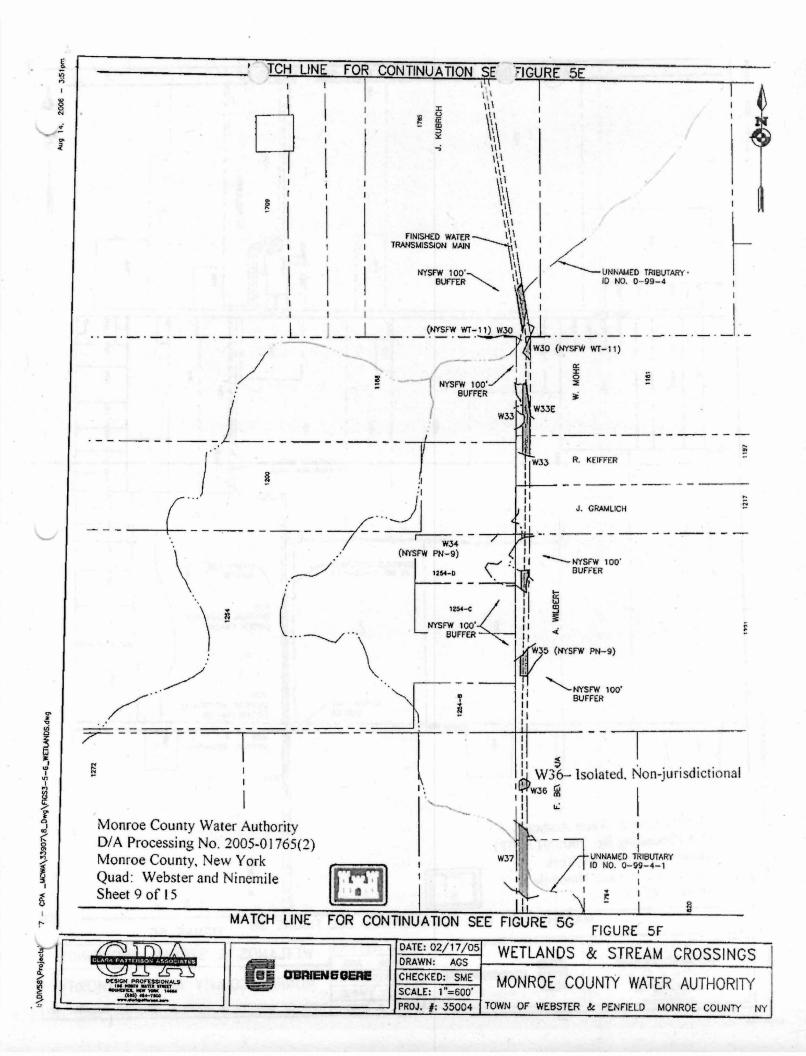
TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY

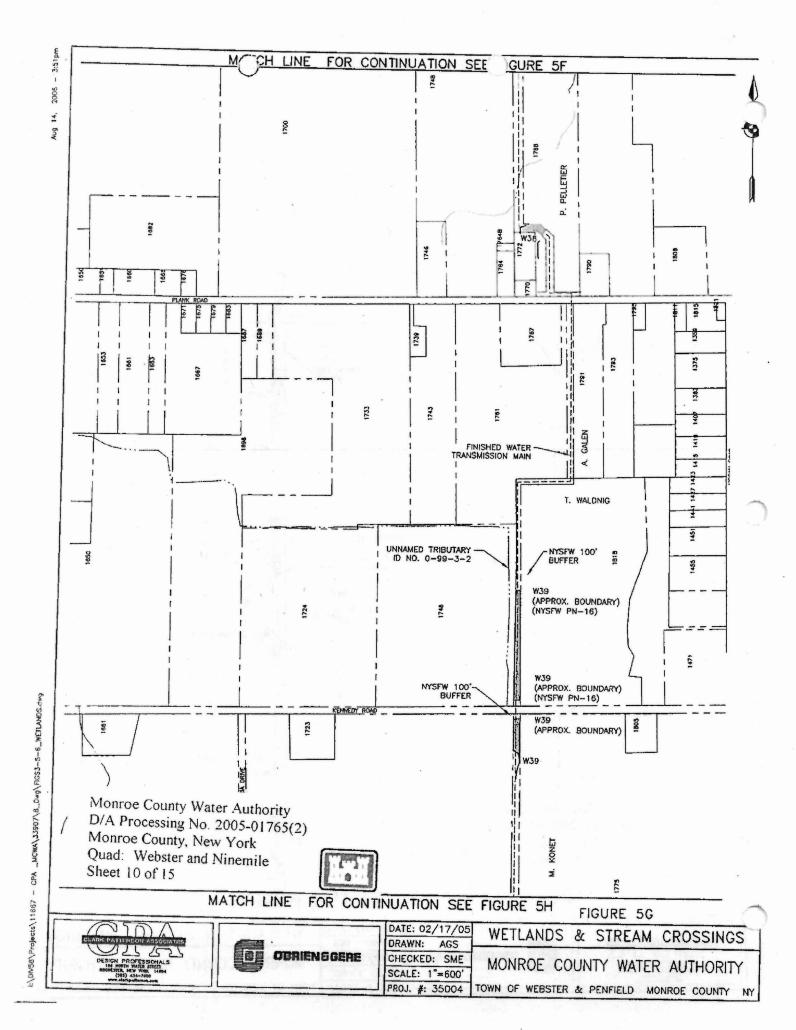


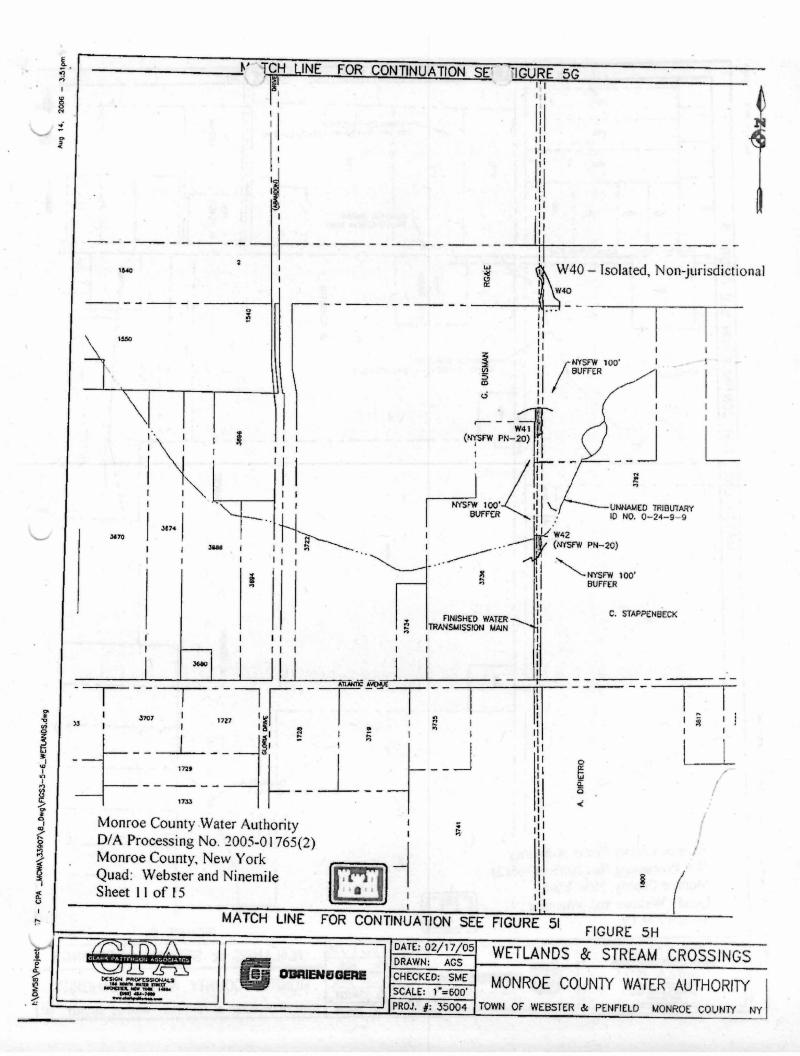


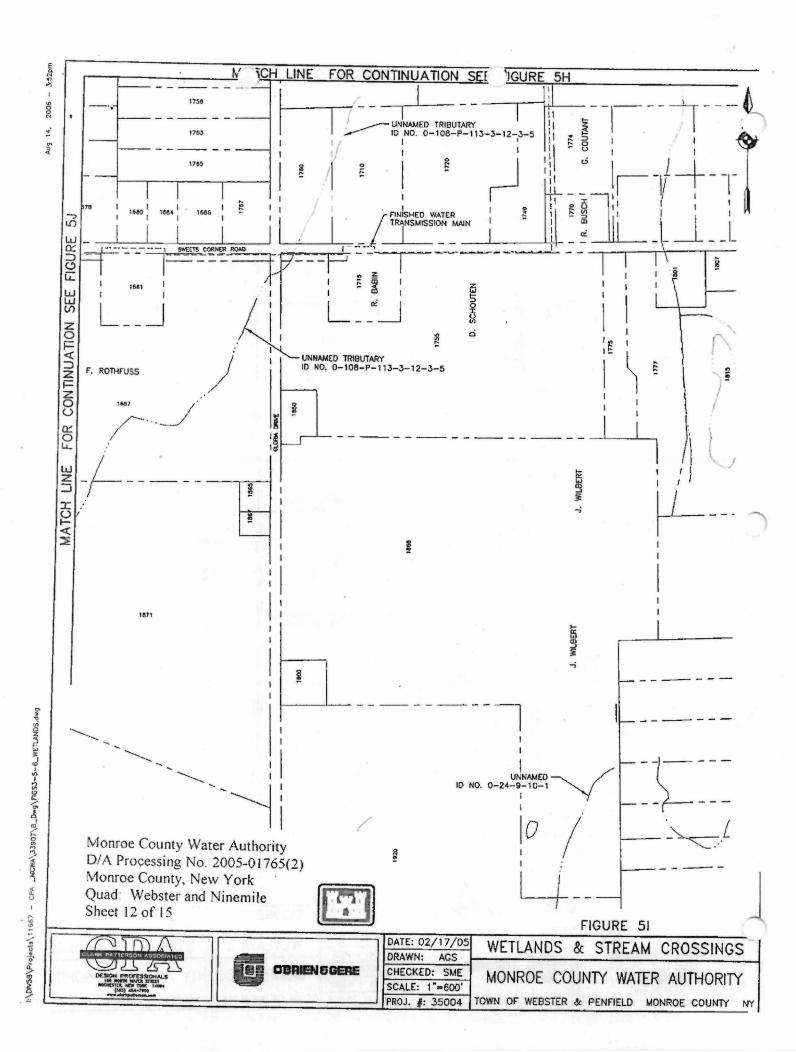
I:\DIV58\Projects

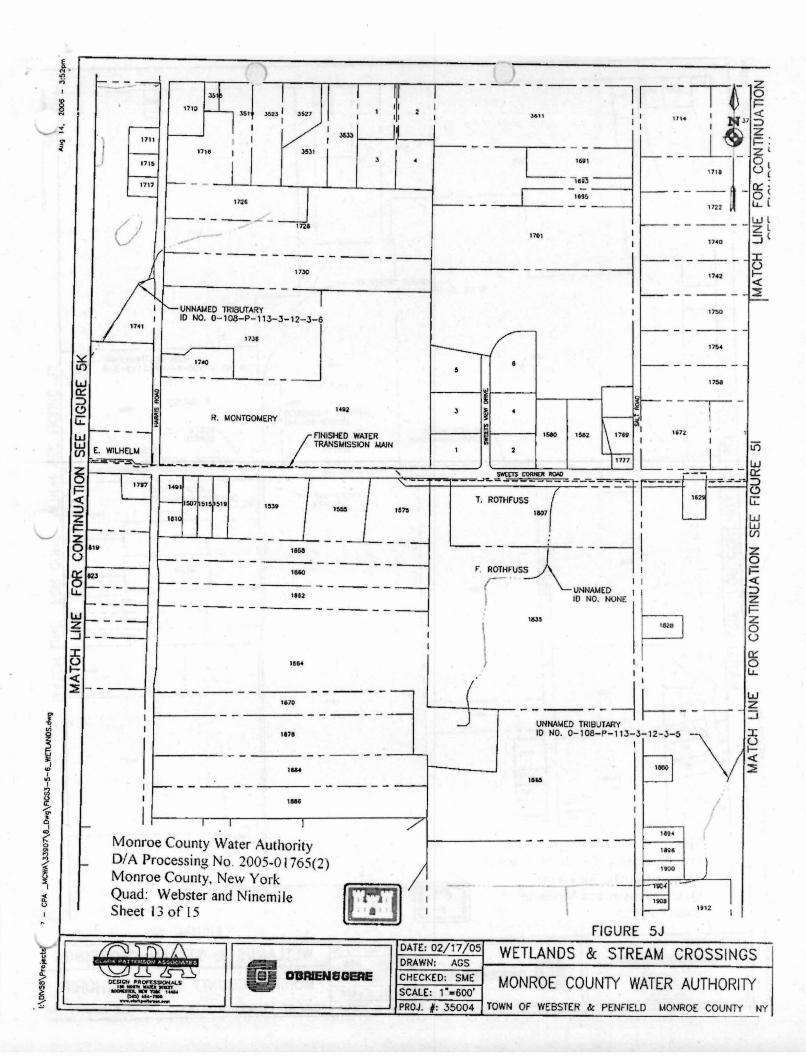


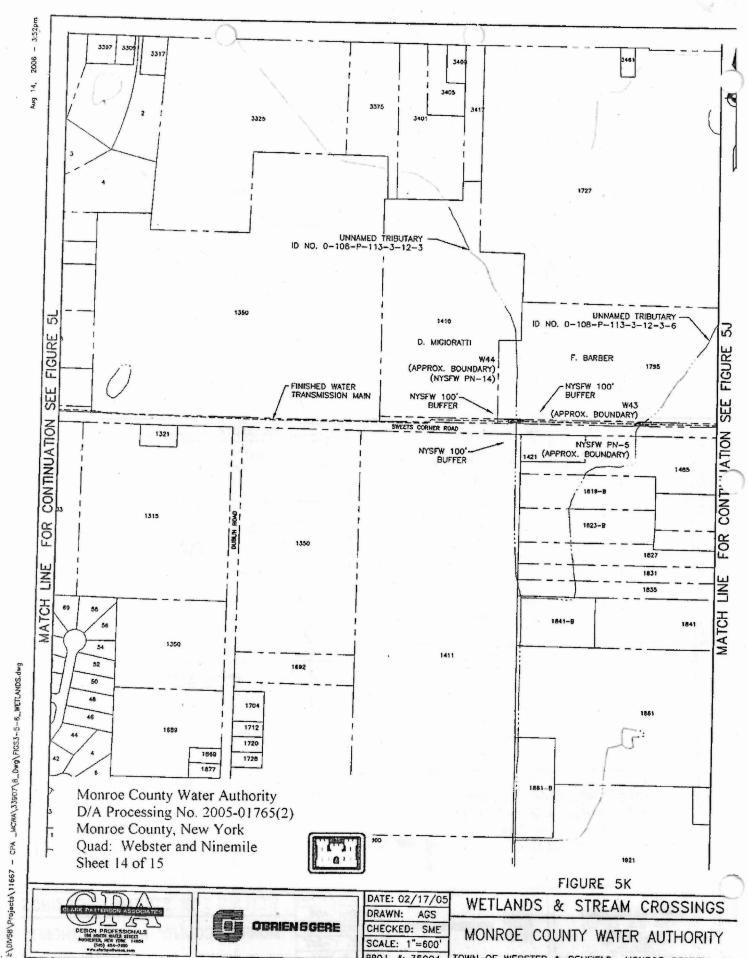






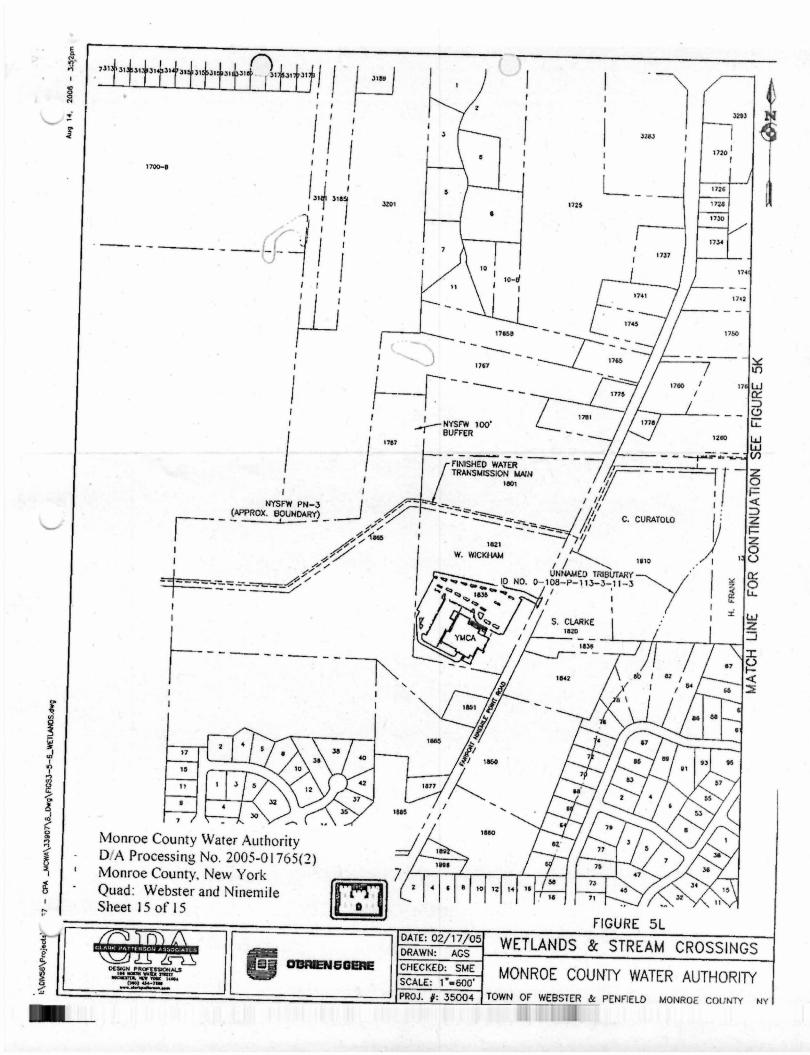






PROJ. #: 35004

TOWN OF WEBSTER & PENFIELD MONROE COUNTY NY





# MONROE COUNTY WATER AUTHORITY Shoremont Treatment Plant • 4799 Dewey Avenue P.O. Box 12697 Rochester, New York 14612-0697 • (585) 442-2000 • Fax: (585)621-1204



May 15, 2007

Mr. Brad Scheeffer Department of the Army Buffalo District, Corps of Engin 1776 Niagara Street Buffalo, NY 14207-3199

Jurisdictional Determination Department of Army Application No. 2005-01765(2)

File: 02-S05 # 5

Dear Mr. Schaeffer:

We received the Jurisdictional Determination (ID) issued by the US Army Corps of Engineers Buffalo District (District) on May 2, 2007. Based on our review of the ID, it is our understanding that the District substantially agreed with the identification of regulated areas identified in o application with the following exceptions:

- W2 the delineated acreage is 0.16 acres consistent with O'Brien & Gere's email to the District on April 12, 2007. The project's encroachment on wetland W2 remains "0."
- W7 -- The PEM cover type was deleted by the District from the original description of PSS/PEM identified in the application.
- W11 The PFO cover type was added by the District to the original description of PSS identified in the application.
- W26 -- The delineated acreage was reduced by the District from 2.32 acres identified in the original application to 1.61 acres. Accordingly, the proposed encroachment is also reduced from 2.32 acres to 1.61 acres.
- W27 The PPO cover type was added by the District to the original description of PSS identified
- W43 The PSS cover type was added by the District to the original description of PFO identified in the application.
- The District indicated it does not have jurisdiction over wetlands W5, W6, W28, W36, and W40.



DEPARTMENT OF THE ARMY BUFFALO DISTRICT, CORPS OF EN 1778 HAGARA STREET

RECEIVED \$13/07

KB 07-505#5

May 2, 2007

Regulatory Branch

SUBJECT: Jurisdictional Determination, Department of Army Application No. 2005-01765(2)

Mr. Richard Metzger PO Box 10999 475 Norris Drive Rochester, NY 14610

Dear Mr. Metzger:

On February 17, 2006, the US Army Corps of Engineers — Buffalo District (District) received a Joint Application for Permit for the East Side Water Supply Project (Project) located in the towns of Webster and Penfield, Monroe County, New York. This transmittal pertains to the District's jurisdictional determination which is a requirement of the application evaluation

The submitted Joint Application for Permit materials, including a site-specific wetland delineation, along with the District's field verification, confirms that wetlands and waterbodies under Federal jurisdiction are located within the proposed facility parcel boundaries and along the proposed water transmission pipeline alignments.

Based upon the District's review of the submitted materials and on-site observations, the District has determined that 34 wetlands and 13 waterbodies located within the facility boundaries and along the water transmission pipeline alignments are part of a surface water tributary system to Lake Ontario, a navigable water of the United States. The 34 jurisdictional wetlands that comprise approximately 11.41 acres are listed below and referenced on the attached Jurisdictional Determination form and drawings.

Jurisdictional Wetlands (acres) - W1 (0.03), W2 (0.16), W3 (0.65), W4 (0.16), W7 (0.45), W8 (0.09), W9 (0.74), W10 (0.86), W11 (0.08), W12 (0.27), W14 (0.24), W15 (0.27), W17 (0.30), W18 (0.13), W19 (0.09), W21 (0.32), W22 (0.62), W23 (0.37), W24 (0.19), W25 (0.52), W26 (1.61), W27 (0.25), W30 (0.36), W31 (0.08), W33 (0.23), W34 (0.15), W35 (0.17), W37 (0.52), W38 (0.18), W39 (0.89), W41 (0.17), W42 (0.13), W43 (0.06), and W44 (0.07).

Because these areas are regulated under Section 404 of the Clean Water Act, Department of the Army authorization is required if you propose a discharge of dredged or fill material in these areas. In addition, because the project involves the installation of structures and fills below

Mr. Schaeffer May 14, 2007 Page 2

The Monroe County Water Authority accepts the District approved JD. Please note, as indicated in previous correspondence, that the some of the delineated areas included in the JD are outside of the projects launds of construction, and will not be impacted. We request that the District proceed with its review of the application. Please call me if you have comments.

MONROE COUNTY WATER AUTHORITY

Into Wite.

Richard J. Metzger, P.E. Director of Production

cc: Steve Gould Roger Vanderbrook - CPA Steven M. Eckler - O'Brien & C Kyle Buelow - O'Brien & Gere

11

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Department of Army Application No. 2005-

ordinary high water mark of Lake Ontario, these actions would be regulated under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

In addition, it is the District's determination that there is no clear surface water connection or ecological continuum between wetlands W5 (0.07 acre), W6 (0.09 acre), W28 (0.14 acre), W36 (0.07 acre), and W40 (0.15 acre) and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Delineated wetlands W13, W16, W20, W29, and W32 are outside of Project area boundaries therefore, a jurisdictional determination for these areas is not provided. The above areas are also reference the attended detailing. on the attached drawings.

This jurisdictional determination will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site(s) identified in this request.

Attached to this letter is an approved jurisdictional determination for the facility parcels and transmission alignments. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following

Mr. Mike Montone, Regulatory Review Officer Great Lakes and Ohio River Division CELRD-PDS-O 550 Main Street, Room 10032 Cincinnati, Ohio 45202-3222 Phone: 513-684-6212

In order for an RFA to be accepted by the Curps, the Curps must determine that it complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has be received by the Division Office within 60 days of the date of the NAP. Should you decide submit an RFA form, it must be received at the above address by July 2, 2007.

It is not necessary to submit an RFA to the Division office if you do not object to the sination in this letter.

Regulatory Branch SUBJECT: Acceptance of Wetland Delineation, Department of Army Application No. 2005-01765(2)

Questions pertaining to this matter should be directed to me at (716) 879-4246, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: brad.a.schaeffer@usace.army.mil

Sincerely,

SIGNED

Brad Schaeffe Biologist

ADDITIONAL	INFORMATIO	ON: The appea	is limited to a r	eview of the administration that the re	ve record, the Corp	s memorandum for the
ecord of the app	seal conterence	or meeting, and	noellant nor the	Corps may add new infor	mation or analyses	to the record. However
ou may provide	additional info		fy the location o	f information that is alrea	dy in the administra	ative record.
you may provide	ntact for	QUESTIONS	fy the location o	f information that is alrea EION:		ative record.
you may provide ROINT GECO If you have quest	endditional info NTACT FOR a tions regarding	QUESTIONS	fy the location of	f information that is alrea EION:		ative record.
you may provide ROINT OFCO If you have quest process you may	endditional info NTACT FOR a tions regarding	QUESTIONS	fy the location of	f information that is alrea EION: If you only have que	stions regarding the	ative record.
OUNT OF CO f you have quest process you may Brad Schaeffer	additional info NTACT FOR tions regarding contact:	QUESTIONS	fy the location of	finformation that is alreated.  If you only have que also contact;  Mr. Michael Montor U.S. Army Corps of	stions regarding the te Engineers	ative record.
you may provide	additional info NTACT FOR tions regarding contact:	QUESTIONS	fy the location of	f information that is alrea  IIION:  If you only have que also contact:  Mr. Michael Montor U.S. Army Corps of Great Lakes and Ohi	etions regarding the ac Engineers to River Division	ative record.
you may provide MUNIT OF CO if you have quest process you may Brad Schaeffer U.S. Army Corp. 1776 Nisgara Str Buffalo, New You	additional info NTACT FOR a tions regarding contact:	QUESTIONS	fy the location of	finformation that is alrea  INON:  If you only have que also contact;  Mr. Michael Montor U.S. Army Corps of Great Lakes and Ohi 550 Main Street, Ro	elions regarding the ne Engineers to River Division om 10032	ative record.
ou may provide OINT OITCO f you have quest rocess you may Brad Schaeffer J.S. Army Corpo 776 Niagara Str	additional info NTACT FOR a tions regarding contact:	QUESTIONS	fy the location of	f information that is alrea  IIION:  If you only have que also contact:  Mr. Michael Montor U.S. Army Corps of Great Lakes and Ohi	estions regarding the rec Engineers to River Division om 10032 02-3222	ative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Mr. Army Corps of Engineers Great Lakes and Ohio River Divisi 550 Main Street, Room 10032 Cincinnati, OH 45202-3222 (513) 684-6212;FAX(513) 684-2460

SECTION JI - REQUEST FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial profilered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

TRATIME APPEAL OPTIONS AND PROC QUEST FOR APPEAL	ESS AND	
File Number: 2005-01765	Date: May 2, 2007	
	See Section below	
ermit or Letter of permission)	A	
PROFFERED PERMIT (Standard Permit or Letter of permission)		
	С	
NATION	D	
	E	
	File Number: 2005-01765	

SECTION I - The following identifies your rights and options regard information may be found at http://www.exemy.col/ines/function.com/ A: INITIAL PROFFERED PERMIT: You may accept or object to

Applican

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for fina authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. You signature on the Standard Permit or acceptance of the LOP means that you accept the permit in it entirely, and write all is appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. You objections must be received by the district engineer within 60 days of the date of this notice, or you will forfielt your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concentrant, (b) modify the permit to address all of your concentrant, (b) modify the permit to address some of your objections, or (c) not modif permit theying determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a profered permit for your reconsideration, as indicated in Section IB below.
  B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

  C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and useding the form to the division engineer. This form must be received by the division engine within 60 days of the date of this notice.

  D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date
  of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Adminis Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be by the division engineer within 60 days of the date of this notice.

  E: PRELIMINARY JURISDOCTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appeal connecting the Corps district for further instruction. Also you may provide new information for further consideration by the reevaluate the JD.

DISTRICT OFFICE: FILE NUMBER:

#### PROJECT LOCATION INFORMATION:

OCATION INFORMATION.

New York

Montone

condinates of site (labitude/longitude): NA - Linear Project

mate size of area (parcel) reviewed, including uplands: Linear Project (approx. 100 acres for right-of-way, 78 acres

for facilities)

Name of nearest waterway: Four Mile Creek, Lake Onto Name of watershed: Lake Ontonio 04150200

JURISDICTIONAL DETERMINATION

Desktop det Site visit(s)

- Proliminary JD Based on available information, there appear to be (ot) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project size. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associ the reviewed area. Approximate size of jurisdictional area: Portions of Lake Ontario.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 11.41 acros.

☐ There ore "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of the property of the

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to Transport intersace or foreign commerce.

the past, or may be susceptible for use to transpost intersuse or foreign commerce.

B. Waters defined under 33 CFR past 323.3(a) as "waters of the United States";

(1) The presence of vaters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the obb and flow of the tide.

(2) The presence of interstate waters including interstate outsides. (including intermittent streams), mad standings, wettands, sloughs, princip pollodes, wet meadows, play at lakes, or natural poods, the use, degradation destruction of which could affect interstate commerce including any such waters (check all that apply):

(1) which are or could be used by interstate or foreign travelers for recreational port or the purposes.

(ii) which are or could be used for industrial purposes by industrias in interstate commerce.

(iii) which are or could be used for industrial purposes by industrias in interstate commerce.

(b) Impoundments of waters otherwise defined as waters of the U.S.

(c) The presence of a minute of a water identified in (1) — (4) above.

(7) The presence of wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for those wetlands adjacent to other waters of the U.S., except for the U.S. except for th

Rationals for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the furbilists water or welland is not intelf a navigable water of the United States, describe connection(s) to the dominaream new water (181) or 81), it is used as the Basis of Jurisdiction, document navigability unifor interstate communic confuse, according, including why the materiody is manipulate and/or how the destination of the materiody affect interstate communication. It is a second to the confuse the advantage of the second of the second

On February 17, 2006, the US Army Corps of Engineers – Buffalo District (District) received a Joint Application for Permit (JAP) for the East Side Water Supply Project (Project) located in the towns of Webster and Penfield, Monroe County, New York. The applicant is the Monroe County Water Authority (MCWA).

The site visit was conducted on May 31 and June 1, 2006 by Brad Schaeffer and Joseph Krawczyk of the District. During the site visit the majority of the westlands and streams where field investigated for boundary verification an establishment of hydrological connection. Some of the wetlands that were delineated fell outside of the proposed right-of-way and therefore where not field visited.

Tables 1 and 2 provide the District's boundary verification and jurisdictional determination regarding the wetlands and waterbodies that are within the Project area. Of the 44 wetlands delineated by the applicant, 34 were found to be jurisdictional waters of the US, five were determined to be isolated and nonjurisdictional, and five were located outside of the Project right-of-way and determination will not be provided. The 34 jurisdictional wetlands compris approximately 11.41 acres, whereas the five nonjurisdictional wetlands sum to approximately 0.52 acres.

Jurisdictional Wetlands (acres) – WI (0.03), W2 (0.16), W3 (0.65), W4 (0.16), W7 (0.45), W8 (0.09), W9 (0.74), W10 (0.86), W11 (0.08), W12 (0.27), W14 (0.24), W15 (0.27), W17 (0.30), W18 (0.13), W19 (0.09), W21 (0.32), W22 (0.62), W23 (0.37), W34 (0.19), W25 (0.25), W26 (1.61), W27 (0.25), W30 (0.36), W31 (0.88), W31 (0.25), W34 (0.15), W35 (0.17), W37 (0.52), W38 (0.18), W39 (0.89), W41 (0.17), W42 (0.13), W43 (0.06), and W44

.d., Nonjurisdictional Wetlands (acres) — W5 (0.07), W6 (0.09), W28 (0.14), W36 (0.07), and W40 (0.15) mination not Provided — W13, W16, W20, W29, and W32.

All of the 13 streams crossed by the Project are hydrologically connected to a navigable waterway and therefore are jurisdictional waters of the US. In addition, portions of the project would be constructed in Lake Ontario which is a Section 10 waterway and therefore a regulated water of the US.

The District accepts the wetland delineation provided within the JAP submittal dated June 2005 and the supplemental information including final wetland delineation maps and wetland and stream crossing tables submitted via letter transmittal on August 16, 2006.

Lateral Extent of Jurisofictions (Reference: 33 CPR parts 328 and 329)

Ordinary High Water Mark indicated by:

Clean, natural line impressed on the bank
the presence of litter and detris

changes in the character of 5001

destruction of ferrestrial vegetation
shelving of the company of the Mean High Water Mark indicated by:

Survey to available datum; physical markings; vegetation lines/changes in veget

asis For Not Asserting Jurisdiction:

The reviewed area consists entirely of uplands.

Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).

Headquaters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).

The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States.

Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.

Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, esetting basins, or rice growing.

Artificial effecting or swintning pools or other small consumental bodies of water created by excavating and/or diking dry land to retain water for primarily acathetic reasons.

Water-filled depressions created in dry land incidental so construction activity and pits excavated in dry land for the purpose of obtaining fill, and, or gravel unless and until the construction or excavation operation is shandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).

Table 1. USA Buffalo District Jurisdictional Det nination - Wetlands

Wetland iD'	Govertype <sup>2</sup>	Area (Acres)	Jurisdictional <sup>2</sup>	USACE Map Sheet
W1	PSS/PFO	0.03	Yes	2
W2	PSS/PFO	NK 0.16	Yes	2
W3	PSS/PEM	0.65	Yes	2
W4	PSS	0.16	Yes	2
W5	PSS	0.07	No	2
W6	PSS	0.09	No	2
W7	PSS	0.45	Yes	2
W8	PSS	0.09	Yes	2
W9	PFO/PSS	0.74	Yes	2
W10	PFO/PSS	0.86	Yes	2
W11	PSS/PFO	0.08	Yes	2
W12	PFO	0.27	Yes	2
W13	NA	NA I	NA	5
W14	PFO	0.24	Yes	5
W15	PSS/PEM	0.27	Yes	6
W16	NA	NA NA	NA.	5
W17	PFO	0.30*	Yes	5
W18	PFO/PEM	0.13	Yes	7
W19	PEM	0.094	Yes	1 7
W20	NA	NA T	NA	6
W21	PFO	0.32	Yes	3
W22	PSS	0.62	Yes	3
W23	PFO/PSS	0.37	Yes	3
W24	PSS	0.19	Yes	3
W25	PSS/PFO	0.52	Yes	3
W26	PSS/PFO	1.61	Yes	3
W27	PSS/PFO	0.25	Yes	3
W28	PSS	0.14	No	3
W29	NA	NA	NA NA	7
W30	PSS/PFO	0.364	Yes	9
W31	PEM	0.08	Yes	7
W32	NA	NA	NA	8
W33	PFO	0.23	Yes	9
W34	PFO	0.15	Yes	9
W35	PFO	0.17	Yes	9
W36	PFO	0.07	No	9
W37	PFO	0.52	Yes	9
W38 +	PEM	0.18	Yes	10
W39	PFO/PSS	0.894	Yes	10
W40	PSS	0.15	No	11
W41	PFO	0.17	Yes	11
W42	PFO	0.134	Yes	11
W43	PSS/PFO	0.06*	Yes	14
W44	PSS/PFO	0.07	Yes	14

NA = Not Applicable

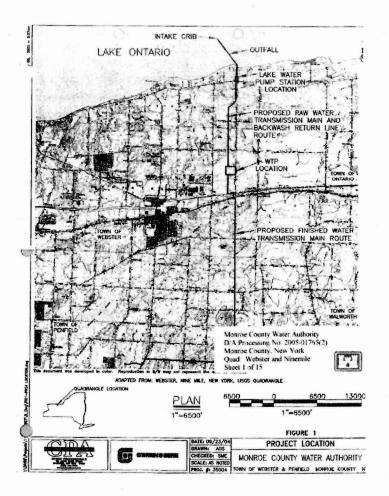
as provided by the applicant and reference on Pro
as typed by district personnel in the field
a regulated Section 404 water of the US based up
waterway

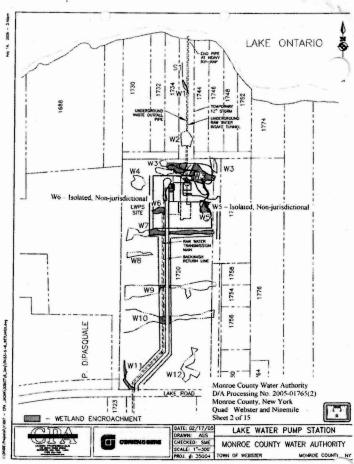
waterway
waterway
waterway
these acreage represent the area of the wetland that occurs within the proposed transmission
main right-of-way, many of the wetlands crossed are much larger and extend beyond the survey
area boundaries.

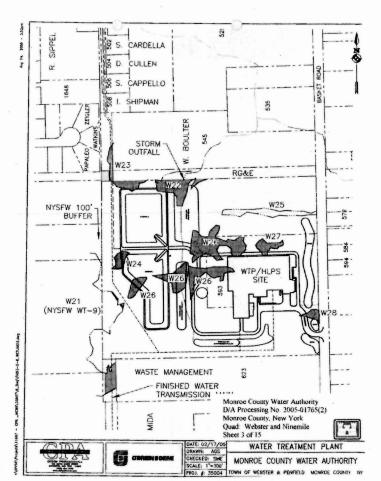
Ø	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
п.	Other (evoleis):

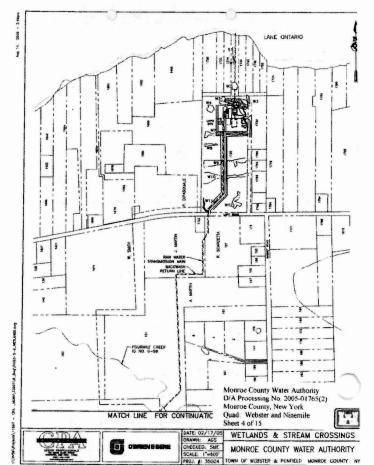
	prepared by (company): Clarke Patte
	-,, (,),,
his office does not concur with the delineation report, dated	, prepared by (company);
Data sheets prepared by the Corps	
Corps' navigable waters' studies:	
U.S. Geological Survey Hydrologic Atlas:	
U.S. Geological Survey 7.5 Minute Topographic maps: Webster	and Ninemile
U.S. Geological Survey 7.5 Minute Historic quadrangles:	7.0 NONCOLOR - 1 5 5 5
U.S. Geological Survey 15 Minute Historic quadrangles:	
USDA Natural Resources Conservation Service Soil Survey:	
National wetlands inventory maps: Webster and Ninemile	
State/Local wetland inventory maps: NYSFWW	
FEMA/FIRM maps (Map Name & Date):	
100-year Floodplain Elevation is: (NGVD)	
Aerial Photographs (Name & Date):	
Other photographs (Date):	
dvanced Identification Wetland mans:	
Site visit/determination conducted on: 5/31/2006 and 6/1/2006	
Applicable/supporting case law:	
Other information (please specify): Revised wetland delination r	

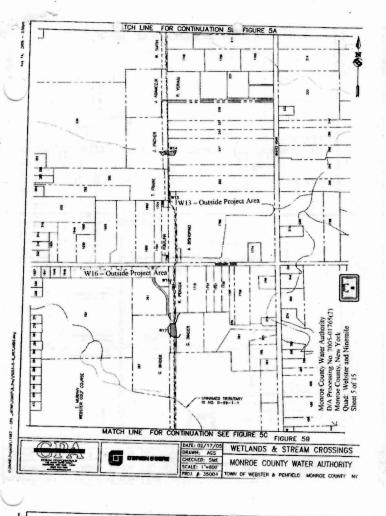
Stream	ID-NYSDEC	Jurisdictional	USACE Mag Sheet
Fourmile Creek	O-99	Yes	4
Unnamed Tributary	O-99-1-1	Yes	5
Unnamed Tributary	O-99-1-1	Yes	6
Unnamed Tributary	O-99-3	Yes	7
Unnamed Tributary	0-99-4	Yes	9
Unnamed Tributary	0-99-4-1	Yes	9
Unnamed Tributary	O-99-4-1	Yes	10
Unnamed Tributary	0-24-9-9	Yes	11
Unnamed Tributary	O-108-P-113-3-12-3-5	Yes	12
Unnamed Tributary	NA -	Yes	13
Unnamed Tributary	O-108-P-113-3-12-3-6	Yes	14
Unnamed Tributary	O-108-P-113-3-12-3	Yes	14
Unnamed Tributary	O-108-P-113-3-11-3	Yes	15

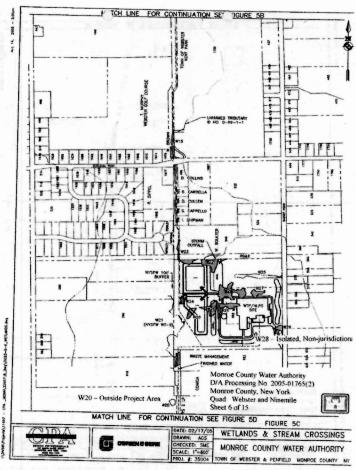


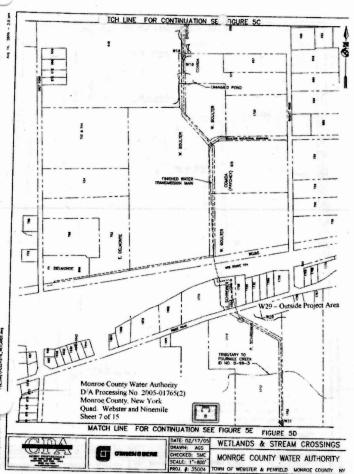


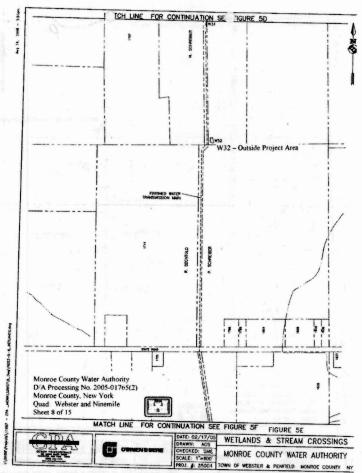


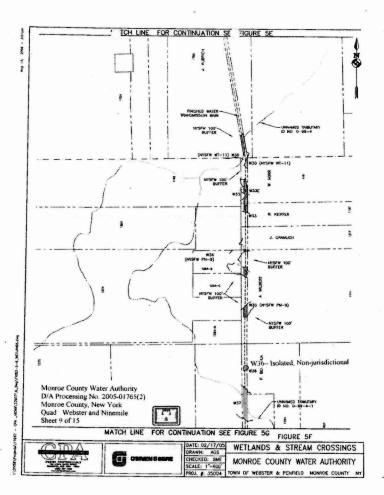


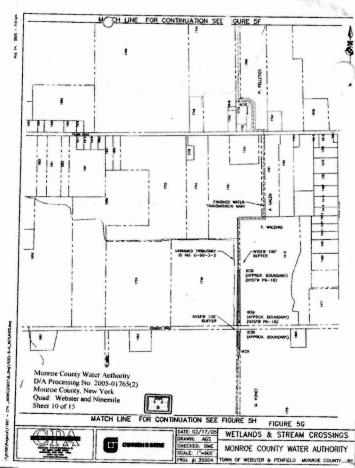


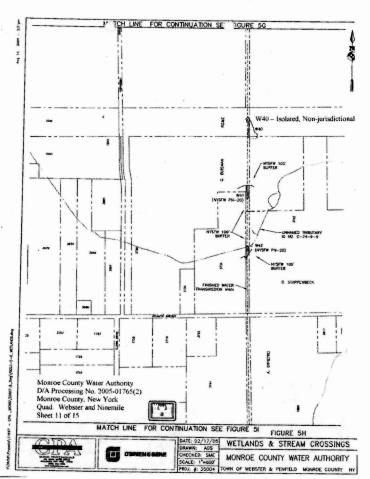


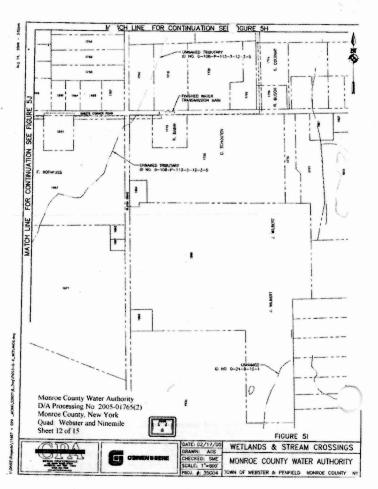


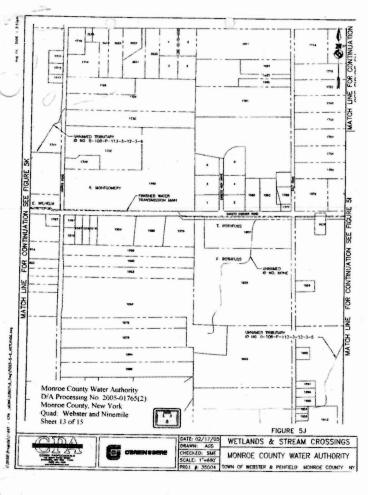


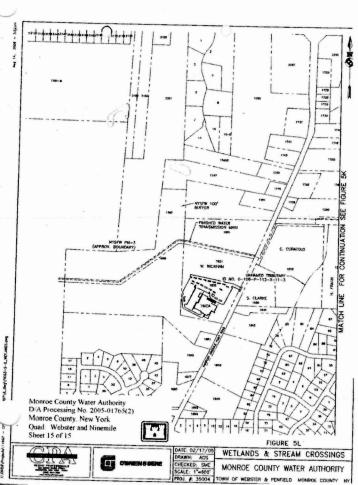


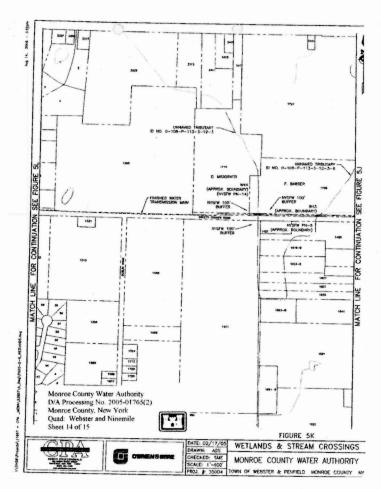












John Mello/R2/USEPA/US 02/07/2007 09:44 AM To William Lawler/R2/USEPA/US@EPA

CC

bcc

Subject Re: Monroe County East Side Water Project

Thanks, Bill!

## William Lawler/R2/USEPA/US



William Lawler/R2/USEPA/US

02/05/2007 04:51 PM

To mello.john@epa.gov

CC

Subject Monroe County East Side Water Project

John:

As you requested, here is what we are waiting for, and why.

According to the NYS hearing notice, the DEC was to hold public hearing for the project on Thursday Nov 30, 2006.

Its purpose was to receive oral or written comments on the various permit applications that DEC was in the process of reviewing,

DEC had not taken a position on these applications pending information they would be obtaining at the hearing.

To date, we have not received any information on whether the state review process has concluded.

The permits involved represent many of the key environmental issues that EPA would need to examine in our environmental assessment of the project, prior to deciding whether a federal EIS is required. (e.g., lake water withdrawals, new SPDES discharge permit, disturbance of freshwater wetlands under State and/or federal jurisdiction, use and protection of waters/stream disturbance, water quality certification, coastal erosion protection).

As EPA needs to factor these matters into its decision, it is important that we know the terms or conditions of any State approvals for this project including any required environmental mitigation measures. If the State has not yet acted on the permit applications, we need to know that as well.

The applicant, who is most familiar with the project's status, should be able to provide the requisite information to EPA if it is available yet.

FYI - here is the link to the 5 page hearing notice:

http://www.dec.state.ny.us/website/ohms/notices/monroecon.html

William Lawler, P.E. Environmental Review Section EPA Region 2



### William Lawler/R2/USEPA/US

02/05/2007 04:51 PM

To mello.john@epa.gov

CC

bcc musumeci.grace@epa.gov

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William Lawler, P.E. Environmental Review Section EPA Region 2 212-637-3728



## William Lawler/R2/USEPA/US 05/01/2006 03:51 PM

To John Mello/R2/USEPA/US@EPA

CC

bcc Grace Musumeci/R2/USEPA/US@EPA

Subject Environmental review questions for Monroe County Water Authority

Thanks for forwarding the additional information that you received in response to my request for the updated status of the project's environmental permits and authorizations, etc. In light of the fact that the SEQRA EIS was issued a number of years ago, I was hopeful that some up-to-date information about the project's impacts and how the permitting processes are mitigating them might be gleaned from the more current permits/approvals.

EPA needs to prepare, and issue for public comment, a concise environmental assessment (EA) of the project in accordance with our responsibilities under the National Environmental Policy Act. To the extent that certain facets of the project are governed/controlled by existing environmental permitting processes, we need to discuss them in the environmental assessment that we are currently preparing. Unfortunately, the response does not contain the level of information needed.

Please ask the applicant to provide the relevant particulars about each the required permits and approvals. For example, what are the particulars as to why the stream disturbance, navigable waters, and wetlands permits are required (locations, type of actions planned) apply so that we can include a concise discussion in our EA (e.g., how may acres of wetlands are affected, what mitigation is proposed). What are each of the permit applications for (e.g., the Water Supply Application -- what specifically is being applied for that is within the jurisdiction of the NYSDEC to approve/disapprove? gallonage? location?)

Who regulates placement and design of the intake in Lake Ontario - and water withdrawals from the Lake? What is the Water Supply Application for?

It would be helpful to have a copy of any and all regulatory concurrences -- including the NYS Dept of State's coastal zone consistency letter -- as well as any other approvals as they are received.

Also, has the NYS Dept of Ag and Markets determined that the current project would not unreasonably affect agricultural lands?

With respect to the old consultation letters, I suggest that the applicant followup with both the USFWS and SHPO whether their 10 year old consultation letters are still considered valid, particularly since federal funding is now involved. It is not within EPA's jurisdiction to decide whether or not these consultation letters are still valid or not. Rather, EPA needs to demonstrate that we have complied with the Endangered Species Act and the National Historic Preservation Act or unacceptable

In addition, we need to know about any objections/controversy about the project.

Ordinarily, most if not all of this information would have be provided in the applicant's environmental information document.

As always, I am available to discuss this further.

### William Lawler/R2/USEPA/US



04/03/2006 05:18 PM

To John Mello/R2/USEPA/US@EPA

CC

bcc

Subject Monroe -- status of permits and other requisite authorizations

We are currently working on trying to prepare an environmental assessment of the project.

In doing this, one gap is immediately evident: There is no up-to-date information concerning the current status of all the regulatory permits, consultations and approvals needed to implement the project. Briefly, it would be helpful to be able know:

status of federal and state wetlands permit permits needed, status of coastal zone consistency determination from the NYS dept of state, are regulatory approvals needed to withdraw water from Lake Ontario? if so, status? construction permits from the NYSDEC?, discharge permits from NYSDEC? updates on misc other approvals (NYS Dept of State -- coastal zone consistency statement)

In addition, the endangered species consultations and NYS Historic Preservation Officer consultations are now over a decade old.

They need to be followed up with the agencies to ensure they are still valid.

There probably are more items like this that the Project Engineer knows about. If so, we need to include the info in our environmental assessment to assist EPA in making out NEPA decision about the project.